			_			
OF JAMES MELVIN A SPECIAL EXCEP	F THE APPLICATION DONAHUE, JR. FOR TION ON PROPERTY	# #	IN THE	RT.		
BANK COURT (CUL	RBANK CIRCLE (803	ri - ≇	FOR			
STREAMBANK COUR		•	BALTIMORE CO	YTNUC		
9TH ELECTION DI		*	CG Doc. No.	69		
JAMES MELVIN DO	NAHUE, JR.,	*	Folio No	204		
	F9/ V	*	File No	89-CG-2204		
ZONING FILE #88	-524-X # # # #	* *	* *	*		
PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND						
THE BOARD OF APPEALS FOR BALTIMORE COUNTY						
TO THE HONORABLE, THE JUDGE OF SAID COURT:						
And now come Lawrence E. Schmidt, Henry H. Lewis and Lynn B. Moreland,						
constituting the County Board of Appeals of Baltimore County, and in answer						
to the Order for Appeal directed against them in this case, herewith return						
the record of proceedings had in the above-entitled matter, consisting of						
the following certified copies or original papers on file in the office of the						
Zoning Commissi	oner of Baltimore	County:				
No. 88-524-X						
March 31, 1988	Petition of James Melvin Donahue, Jr. for Special Exception a professional office in a DR 3.5 zone in the home.					
June 30	Publication in newspaper - file.					
June 21	Comments of Baltimore County Zoning Plans Advisory Committee - file.					
August 24	Certificate of Posting of property - file.					
October 4	Hearing held on Petition by the Zoning Commissioner. Order of the Zoning Commissioner that the Petition for Special Exception to use the subject property as a professional office in a D.R.3.5 zone be DENIED.					
November 1	Notice of Appeal received from James M. Donahue, Jr.					
May 2, 1989	Hearing on appeal before the Board of Appeals.					
May 30	Opinion and Order of the Board ordering that the Petition for Special Exception be DENIED.					

James Melvin Donahue, Jr. Case No. 88-524-X, File No. 89-CG-2204 June 21, 1989 Order for Appeal filed in the Circuit Court for Baltimore County by Konstantine J. Prevas, Esquire on behalf of Mr. Donahue. June 21, 1989 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County. June 23, 1989 Certificate of Notice sent to all interested parties. July 21, 1989 Transcript of testimony filed. Appellant's Exhibit No. 1 - Plat of subject site with red "x" at residence. " 2 - Private Detective License #89-260. " 3 - Registration and Driver's License. " 4 - Plat - Location Survey. " 5 - Diagram of house. " 6 - Two photographs of home. " 7 - A & B - photographs. * 8 - A & B - photographs. " 9 - December 8, 1983 Board of Appeals Opinion. " 10 - June 2, 1983 Zoning Commissioner's Opinion and Order. " 11 - Certificate of Recognition. " 12 - September 17, 1986 letter from Maryland State Police. " 13 - Letter from Ms. Telesca. "14 - " Mr. Osenburg. "15 - " " " Forrest. "16 - " " Dr. Maggid. "17 - " Dr. Wilson. " 18 - " World Association of Detectives, Inc. dated April 26, 1989. " 19 - Brochure - Training Institute. " 20 - Letter from Public Security & Investigations, Inc. " . " 21 - National Council of Investigation & Security Service Standards. " 22 - Letter from Council of International Investigators. " " 23 - November 23, 1988 letter from National Association of Legal Investigators, Inc.

James Melvin Donahue, Jr. Case No. 88-524-X, File No. 89-CG-2204

> Appellant's Exhibit No. 24 - September 27, 1972 List of Qualifications.

" 25 - December 20, 1988 letter from Professional Investigators Security Association.

m 26 - March 22, 1989 letter from World Association of Detectives, Inc.

" 27 - Zoning Commissioner's Opinion and Order (Case No. 85-78-X).

People's Counsel Exhibit No. 1 - List of Protestants. " " " 2 - Maryland Digest 1B 115/119 (Consider Sec. 13.03, pgs. 625/6).

July 21, 1989 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Respectfully submitted,

LindaLee M. Kuszmaul, Legal Secretary County Board of Appeals

cc: Konstantine J. Prevas, Esquire Mr. James M. Donahue, Jr. People's Counsel for Baltimore County Ms. Ruby Telesca M. Lacy Gentry Ms. Dolores Ford

Mr. and Mrs. Douglas Forrest Mr. Gordon L. Kennan, Sr. Ms. Cristina Beltran Mr. and Mrs. Michael J. Ruck

COUNTY ECEIVED

JAMES MELVIN DONAHUE, JR.

COUNTY EXECUTIVE AND COUNTY

COUNCIL OF BALTIMORE COUNTY

COUNTY BOARD OF APPEALS OF

BALTIMORE COUNTY, et al.

by the Appellant, viz:

the first paragraph of said Petition.

paragraphs 2 through 7 of said Petition.

be sustained as being properly and legally made.

Appellant

: IN THE CIRCUIT COURT

: FOR BALTIMORE COUNTY

: Case No. 89-CG-2204

::::::

ANSWER TO PETITION IN SUPPORT OF ORDER FOR APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellee

1. That the Appellee admits the allegations made and contained in

2. That the Appellee denies the allegations made and contained in

3. And in further answering, that the issue of estoppel was not

4. That the decision of the Board herein was proper and justified

Phyllia Cole Friedman

People's Counsel for Baltimore County

by the evidence before it and that the decision of the Board should therefore

Phylles Cole Friedman

considered below and therefore cannot be considered by this Court.

herein, answers the Petition in Support of Order for Appeal heretofore filed

Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 (301) 887-2188

I HEREBY CERTIFY that on this 1th day of July, 1989, a copy of the foregoing Answer to Petition in Support of Order for Appeal was delivered to the Vadministrative Secretary, County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Ave., Towson, MD 21204; and a copy mailed to Konstantine J. Prevas, Esquire, 5 Light St., Suite 950, Baltimore, MD 21202; and to Arnold Jablon, County Attorney, Office of Law, 400 Washington Ave., Towson, MD 21204.

IN THE MATTER OF THE	*	IN THE	
APPLICATION OF JAMES MELVIN DONAHUE, JR. FOR A SPECIAL	*	CIRCUIT CO	URT
EXCEPTION ON PROPERTY LOCATION THE EAST SIDE OF STREAM-	#	FOR	
BANK COURT (CUL DE SAC), 136 + NORTHEAST BEAVERBANK	#	BALTIMORE (COUNTY
CIRCLE (803 STREAMBANK COUR 9th ELECTION DISTRICT	r) *	CG Doc. No	- 69
4th COUNCILMANIC DISTRICT	*	Folio No.	
JAMES MELVIN DONAHUE, JR., PLAINTIFF	x	-	204_
TIME TRAILER	-	File No	89-CG

CERTIFICATE OF NOTICE

* * * * * * * *

Madam Clerk:

ZONING FILE #88-524-X

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Lawrence E. Schmidt, Henry H. Lewis and Lynn B. Moreland, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Konstantine J. Prevas, Esquire, 5 Light Street, Suite 950, Baltimore, Maryland 21202, Counsel for Petitioner/Plaintiff; James Melvin Donahue, Jr., 803 Streambank Court, Baltimore, Maryland 21204, Petitioner/ Plaintiff; Phyllis C. Friedman, People's Counsel for Baltimore County, Room 304, County Office Building, Towson, Maryland 21204; Ms. Ruby Telesca, 911 Beaverbank Circle, Baltimore, Maryland 21204, Protestant; M. Lacy Gentry, 914 Beaverbank Circle, Baltimore, Maryland 21204, Protestant; Ms. Dolores Ford, 912 Beaverbank Circle, Baltimore, Maryland 21204, Protestant; Mr. and Mrs. Douglas Forrest, 6404 Sharon Road, Baltimore, Maryland 21239, Protestants; Mr. Gordon L. Kennan, Sr., 6402 Sharon Road, Baltimore, Maryland 21239, Protestant; Ms. Cristina Beltran, 2241 Chapel Valley Lane, Baltimore, Maryland 21093, Protestant; Mr. and Mrs. Michael J. Ruck, 802 Streambank Court, Baltimore, Maryland 21204, Protestants and Arnold G. Foreman, Esquire, c/o County Board of Appeals of Baltimore County, 111 W. Chesapeake Avenue, County Office Building, Rocm 315,

James Melvin Donahue, Jr. Case No. 88-524-X, File No. 89-CG-2204

Towson, Maryland 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

County Board of Appeals of Baltimore County, Room 315, County Office Building Towson, Maryland 21204 (301) 887-3180

been mailed to Konstantine J. Prevas, Esquire, 5 Light Street, Suite 950, Baltimore, Maryland 21202, Counsel for Petitioner/Plaintiff; James Melvin Donahue, Jr., 803 Streambank Court, Baltimore, Maryland 21204, Petitioner/ Plaintiff; Phyllis C. Friedman, People's Counsel for Baltimore County, Room 304, County Office Building, Towson, Maryland 21204; Ms. Ruby Telesca, 911 Beaverbank Circle, Baltimore, Maryland 21204, Protestant; M. Lacy Gentry, 914 Beaverbank Circle, Baltimore, Maryland 21204, Protestant; Ms. Dolores Ford, 912 Beaverbank Circle, Baltimore, Maryland 21204, Protestant; Mr. and Mrs. Douglas Forrest, 6404 Sharon Road, Baltimore, Maryland 21239, Protestants; Mr. Gordon L. Kennan, Sr., 6402 Sharon Road, Baltimore, Maryland 21239, Protestant; Ms. Cristina Beltran, 2241 Chapel Valley Lane, Baltimore, Maryland 21093, Protestant; Mr. and Mrs. Michael J. Ruck, 802 Streambank Court, Baltimore, Maryland 21204, Protestants and Arnold G. Foreman, Esquire, c/o County Board of Appeals of

Baltimore County, 111 W. Chesapeake Avenue, County Office Building, Room 315,

Towson, Maryland 21204 on this 23rd day of June, 1989.

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has

County Board of Appeals of Baltimore



County Board of Appeals of Baltimore County COUNTY OFFICE BUILDING, ROOM 315

111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 887-3180

June 23, 1989

Phyllis C. Friedman, Esquire People's Counsel for Baltimore County County Office Building - Room 304 111 W. Chesapeake Avenue Towson, Maryland 21204

> Re: Case No. 88-524-X James M. Donahue, Jr.

Dear Ms. Friedman:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

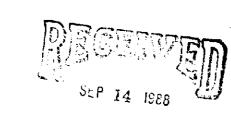
Very truly yours,

cc: Ms. Ruby Telesca M. Lacy Gentry Ms. Dolores Ford Mr. and Mrs. Douglas Forrest Ms. Carol Broman Mr. Gordon L. Kennan Ms. Cristina Beltran Mr. and Mrs. Michael J. Ruck P. David Fields Pat Keller J. Robert Haines Ann M. Nastarowicz James E. Dyer Docket Clerk - Zoning Arnold Jablon, County Attorney

Prevas & Prevas ATTORNEYS AT LAW SUITE 950 - NINTH FLOOR & LIGHT STREET BALTIMORE, MARYLAND 21202-1280

September 13, 1988

TELEPHONE AREA CODE 301



J. Robert Haines, Zoning Commissioner Baltimore County, Office of Planning & Zoning Towson, Maryland 21204

RE: 88-524-X

Dear Commissioner Haines:

KONSTANTINE J. PREVAS

STEPHEN L. PREVAS

PETER A. PREVAS

Enclosed herewith please find Memorandum in Opposition to Protestant's Motion to Dismiss Proceedings for Failure of Petitioner to Request Special Hearing.

Also enclosed please find what is to be marked Petitioner's Exhibit No. 2, Private Detective License. had left off a copy of this Exhibit at your office for filing. However, I have chosen to re-submit this Exhibit to you through the mail, just in case the copy I left off was

Thank you for your consideration of the Petitioner's postion with regard to the Motion to Dismiss Petitioner, filed by protestants.

> Yours truly, Knotantine & Press

Konstantine J. Prevas

KJP:rp Enclosures

MICROFILMED

88-524-V CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towsen, Maryland District 974 Posted for: Special Exication Petitioner: Tarica Moldin Donaling In Location of property: ES STream box & Quet 136' ME Bear boxt asth 803 STrombert Ch Location of Signe 15517 57700 bont Ch spare to 150 100 day an fra for ly y Polition on

CERTIFICATE OF PUBLICATION NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public more County will hold a public desired. THIS IS TO CERTIFY, that the annexed advertisement was hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows: published in THE JEFFERSONIAN, a weekly newspaper printed Petition for Special Exception
Case number: 88-524-X
ES Streambank Court (cul de sac)
136' ± NE of NEC
Resumbers to Citate and published in Towson, Baltimore County, Md., once in each Beaverbank Circle (803 Streambank Court) 9th Election District 4th Councilmanic District of _____ successive weeks, the first publication appearing on _Quee_ 30_, 1988. Petitioner(s): James Melvin Donahue, Jr. Hearing Date: Wednesday, July 27, 1988 at 9:00 a.m. Special Exception: A professional office in a DR-3.5 zone in the home

THE JEFFERSONIAN,

33.75 MICROFILMED

In the event that this Petition is

granted, a building permit may be issued within the thirty (30) day ap-

peal period. The Zoning minis-sioner will, however, entertain any

request for a stay of the issuance of

said permit during this period for good cause shown. Such request must be in writing and received in this office by the direct edition of the hearing set above or presented at the hearing.

J. ROBERT HAINES

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER E/S Streambank Ct. (cul de sac) 136' NE of NE Corner Beaverbank: Circle (803 Streambank Ct.), 9th Election District

JAMES MELVIN DONAHUE, JR., : Case No. 88-524-X

ENTRY OF APPEARANCE

.

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Friedman People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 31st day of May, 1988, a copy of the foregoing Entry of Appearance was mailed to Konstantine J. Prevas, Esquire, 5 Light St., Baltimore, MD 21202, Attorney for Petitioner.

MICROFILMED

ZONING DEPARTMENT OF BALTIMORE COUNTY 88-534-X Date of Posting 11/26/88 Petitioner: Lama M. long hur, In Location of property: F/S S Troom bont ch. 136' NF/ Dog yor hont Circ 830 Streembont ch Location of Signes Foring Streem bont Chy opening 15' Fr. Wo dway on property of Philion Number of Signs: #88-524-X

> 1 SIGN

OFFICE OF FIT DE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE 3-31-89 ACCOUNT R-01-615-000

E/s Streambank Ct. 136' + NE Beaverbank Cir.

(803 Streambank Ct.)

JAMES M. DONOHUE, JR.

Item # 363 B B B55*****10000:a 531%f VALIDATION OR SIGNATURE OF CASHIER

057876 BALTIMORE COUNTY, MARYLAND
OFFICE OF FORCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT ACCOUNT 001-000-0150 MOUNT \$ 115.00 RECEIVED TAMES M. DONAHUE -2 1 PFOL TILLIO - CASE # 88-50/11 JAMES IN DONAHUE, TX. PETHINNER B B 161 **** 11500 *a =03 ef

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for A professional office in a DR-3,5 zone in the home pursuant to Section Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon thing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): (Type or Print Name) Signature Address City and State Attorney for Petitioner: KONSTANTINE J. PREVAS City and State 5 LIGHT STREET Name, address and phone number of legal owner, contract purchaser or representative to be contacted BALTIMORE, MARYLAND, 21202 ___JAMES_MELVIN_DONAHUE,__IR.____ 803 STREAMBANK COURT TOWSON, MD 21204 Attorney's Telephone No.: 752-2340 ORDERED By The Zoning Commissioner of Baltimore County, this . __, 19_£_6, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____ day of _____ 19 88, at ///30 clock Z.C.O.—No. 1

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

(-01-615-000

AMOUNT \$ 121.75

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this ________ day of _______, 1988.

88-524-X

MICPOFILMED

Petitioner James Melvin Donahue, Jr. Received by: James E. Dyer
Petitioner's Chairman, Zoning Plans Attorney Konstantine J. Prevas Advisory Committee

BALTIMORE COUNTY, MARYLAND
OFFICE OF FRENCE-REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

POR Holy Wider

PROM: Sublic Servet some beating

B B145****12175:8 8 (T.F5 24 X

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

Mr. James Melvin Donahue, Jr. 803 Streambank Court

Towson, Maryland 21204 Re: Petition for Special Exception CASE NUMBER: 88-524-X

ES Streambank Court (cul de sac), 136'± NE Beaverbank Circle (BO3 Streambank Court) 9th Election District - 4th Councilmanic Petitioner(s): James Melvin Donahue, Jr.

HEARING SCHEDULED: FRIDAY, SEPTEMBER 9, 1988 at 10:00 a.m. Dear Mr. Donahue:

Please be advised that \$121.75 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

Being Known and designated as Lot No. 12,

Block B, as shown on the plat Cromwell

Valley Section II, which plat is recorded

among the Land Records of Baltimore County

in Plat Book GLB No. 24, folio 5. Also Known

as 803 Streambank Court.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not

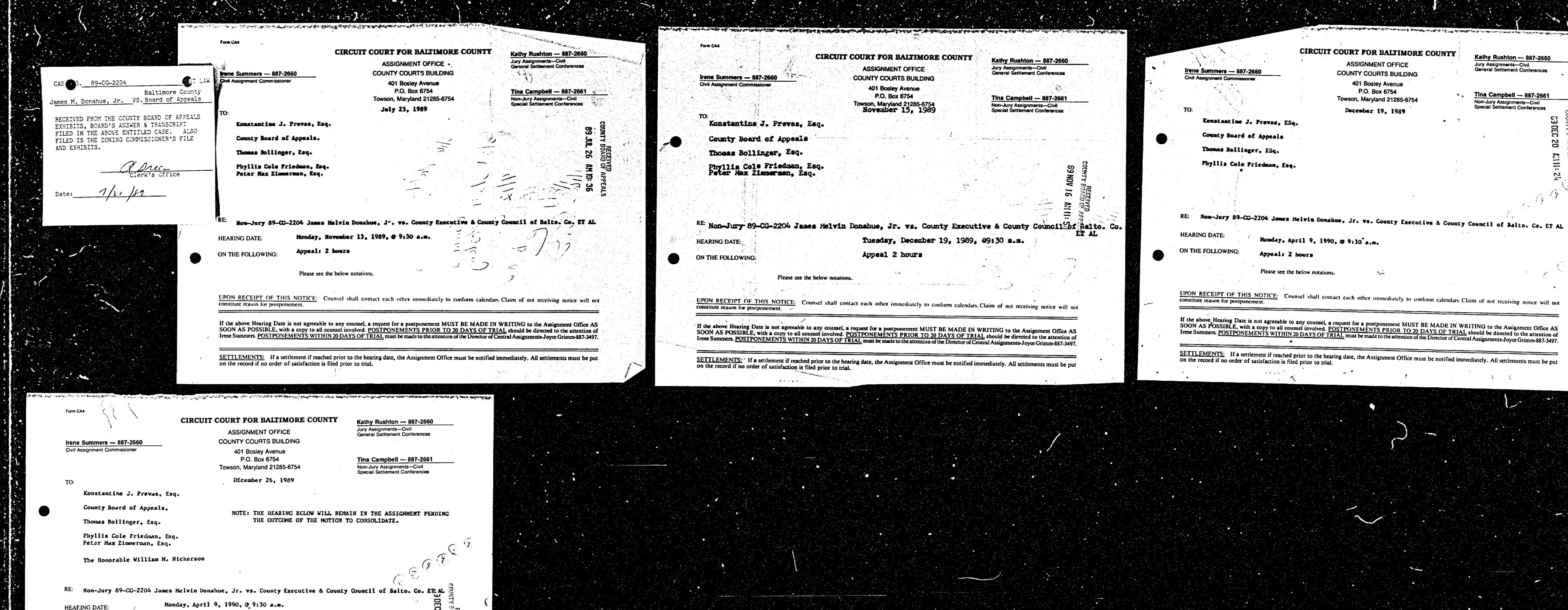
Very truly yours,

J. Robert Haines J. ROBERT HAINES Zoning Commissioner of Baltimore County MICROFILMED

cc: Konstanine J. Frevas, Esq.

and the second second

Date: AUG 3 0 1988



Appeal: 2 hours ON THE FOLLOWING: Please see the below notations. UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not If the scove Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. <u>POSTPONEMENTS PRIOR TO 20 DAYS OF TRIAL</u> should be directed to the attention of Irene Summers. <u>POSTPONEMENTS WITHIN 20 DAYS OF TRIAL</u> must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497. SETTLEMENTS: If a settlement if reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put

on the record if no order of satisfaction is filed prior to trial.

CIRCUIT COURT FOR BALTIMORE COUNTY **ASSIGNMENT OFFICE COUNTY COURTS BUILDING** 401 Bosley Avenue Tina Campbell — 887-2661 P.O. Box 6754 Non-Jury Assignments—Civil Special Settlement Conferences Towson, Maryland 21285-6754 February 5, 1990 Konstantine J. Prevas, Esq.

Arnold Jablon, Esq. Nancy C. West, Esq. pismissed LACK OF JUESSO. Thomas Bollinger, Esq. of pros wio Phyllis Cole Friedman, Esq. Peter Max Zimmerman, Esq. sees. County Loard of Appeals The Honorable William M. Nickerson

Non-Jury 89-36-2204 James Melvin Donahue, Jr. vs. County Executive & County Council of Balto. Co. ET AL 89-CG-4229 James Melvin Donahue, Jr. vs. Balto. Co., Md. HEARING DATE:

Monday, April 9, 1990, @ 9:30 a.m.

ON THE FOLLOWING: NOTE: CONFIRMING NOTICE THAT THE HEARING ABOVE HAS BEEN REMOVED FROM THE DOCKET DUE TO THE ORDER OF CONSCLIDATION. THE CASES WILL NOT BE RESET UNTIL THE CONSOLIDATED CASE BECOMES AT ISSUE.
Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. <u>POSTPONEMENTS PRIOR TO 20 DAYS OF TRIAL</u> should be directed to the attention of Irene Summers. <u>POSTPONEMENTS WITHIN 20 DAYS OF TRIAL</u> must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement if reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

My 11, 1988

NOTICE OF HEARING

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Acr and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception CASE PURTERS 68-524-X ES Streembenk Court (out de sac) 136's NE of NEC Desverbank Circle (803 Streembank Court) 9th Election District - 4th Councilmenic Petitioner(s): James Malvin Donahue, Jr. HEARING SCHEDULED: TUESDAY, JULY 6, 1968 at 11:30 a.m.

Special Exceptions A professional office in a DR-3.5 zone in the home pursuant to Section 1801.1.C 9.C.Z.R.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

James Mulvin Johanus, Jr. Konstaintine J. Perves, Esq.

MICROFILMED

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

May 31, 1988

NOTICE OF POSTPONEMENT

Dennis F. Rasmussen

This will acknowledge receipt of the postponement request from (* Petitioner(s), () Protestant(s), and/or () the Attorney for Petitioner or Protestant.

As such, the following case originally scheduled will not proceed on that date . You will be timely notified of the new hearing date.

88-524-X Case number: James Melvin Donahue, Jr. Petitioner(s): ES Streambank Court (cul de sac) 136' + NE Location: Beaverbank Circle (803 Streambank Court)

> J. Robert Springs J. ROBERT HAINES Zoning Commissioner for Baltimore County

James Melvin Donah∋e, Jr. Konstantine J. Prevas, Esq.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines

Kathy Rushton -- 887-2660

Jury Assignments—Civil General Settlement Conferences

Tina Campbell — 887-2661

NOTICE OF POSTPONEMENT



This will acknowledge receipt of the postponement request from () Petitioner(s), () Protestant(s), and/or () the Attorney for Petitioner or Protestant.

As such, the following case originally scheduled

will not proceed on that date . You will be timely notified of the new hearing date.

Case number: Petitioner(s):

Location:

James Melvin Domehue, Jr. ES Streembank Court (oul de sac) 136's ME

Beaverbank Circle (803 Streembank Court)

J. ROBERT HAINES

Zoning Commissioner for Baltimore County

James Melvin Donahue, Jr.

NICHOFILMED

Konstantine J. Preves, Esq.

P.S. - Mr. Preves, This is the lest postponement this office will grant. Please call 494-3391 (Ms. Stephens) to reschedule.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines Zoning Commissioner

NOTICE OF HEARING



Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception CASE NUMBER: 88-524-X ES Streambank Court (cul de sac) 136'± NE of NEC Beaverbank Circle (803 Streambank Court)

9th Election District - 4th Councilmanic Petitioner(s): James Melvin Donahue, Jr. HEARING SCHEDULED: WEDNESDAY, JULY 27, 1988 at 9:00 a.m.

Special Exception: A professional office in a DR-3.5 zone in the home pursuant to Section 1801.1.C B.C.Z.R.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave.

MEMBERS

Department of Traffic Engineering

State Roads Commission

Bureau of

Engineering

Lureau of

industrial

Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration



Baltimore County Zoning Commissioner Office of I'lanning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines July 15, 1988

NOTICE OF HEARING

(NO POSTPONEMENT WILL BE GRANTED)



HEARING ROOM -

Room 301, County Office Building

BILL NO. 59-79.

cc: Mr. & Mrs. James M. Donahue, Jr.

S. Eric DiNenna, Esquire

Ms. Ruby Telesca

M. Lacy Gentry

Ms. Carol Broman

P. David Fields

J. Robert Haines

James E. Dyer

Ann M. Nastarowicz

Docket Clerk -Zoning

Arnold Jablon, County Attorney

Pat Keller

Ms. Gordon L. Kennan

Ms. Cristina Beltran

Dolores Ford

Mr. & Mrs. Michael J. Ruck

Mr. & Mrs. Douglas Forrest

People's Counsel for Baltimore County

Konstantine J. Prevas, Esquire

CASE NO. 88-524-X

ASSIGNED FOR:

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception CASE NUMBER: 88-524-X ES Streambank Court (cul de sac), 136' ± NE Beaverbank Circle (803 Streambank Court) 9th Election District - 4th Councilmanic Petitioner(s): James Melvin Donahue. Jr. HEARING SCHEDULED: FRIDAY, SEPTEMBER 9, 1988 at 10:00 a.m.

Special Exception: A professional office in a DR-3.5 zone in the home pursuant ta Section 180.1.C. B.C.Z.R.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: James Melvin Donahue, Jr. Konstantine J. Prevas, Esq. G. W. Chapman, Jr.

MICROFILMED

Baltimore County Department of Public Works Bureau of Traffic Engineering

Courts Building, Suite 405

Towson, Maryland 21204

494-3554

May 10, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 358, 359, 360, 361, 363, 364, 365, 366, 367 and 368.

Very truly yours,

Assistant Traffic Engineer

SEW/RF/pm1-b



Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

April 20, 1988 J. Robert Haines

Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Re: Property Owner: James Melvin Donahue, Jr.

prior to occupancy.

Location: E/S Streambank Ct., (cul-de-sac) 136'+- NE of NE/c Beaverbank Circle Item No.: 363 Zoning Agenda: Meeting of 4/12/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

County Moard of Appeals of Baltimore County

COUNTY OFFICE BUILDING

111 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

January 23, 1989

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND

IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS

WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING

DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL

(301) 494x3x180 887-3180

JAMES MELVIN DONAHUE, JR.

9th Election District

4th Councilmanic District

zone in the home

THURSDAY, MARCH 29, 1989 at 10:00 a.m.

E/s Streambank Court (Cul de sac) 136'+

SE -Professional office in a D.R. 3.5

Exception is DENIED.

NE Beaverbank Circle (803 Streambank Court)

10/04/88 -Z.C.'s Order that Petition for Special

Appellants /Petitioners

Appellee /Protestant

Appellee /Protestant

If we was self on a self

Counsel for Appellee /Protestant

Kathleen C. Weidenhammer

Administrative Secretary

Dennis F. Rasmussen

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ___ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site. () 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Pro-

() 6. Site plans are approved, as drawn. () 7. The Fire Prevention Bureau has no comments at this time.

tection Association Standard No. 101 "Life Safety Code," 1976 edition

Fire Prevention Bureau

Special Inspection Division



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

HEARING ROOM -Room 301, County Office Building

March 8, 1989 NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-524-X JAMES MELVIN DONAHUE, JR.

> E/s Streambank Court (cul de sac) 136' + NE Beaverbank Circle (803 Streambank Court)

9th Election District 4th Councilmanic District

SE -Professional office in a D.R. 3.5 zone in the home

10/04/88 -Z.C.'s Order that Petition for Special

Exception is DENIED.

The above case which had been set in for Hearing on Wednesday, March 29, 1989 has been postponed at the request of counsel for the Protestants due to Circuit

TUESDAY, MAY 2, 1989 at 12:30 p.m. REASSIGNED FOR:

cc: Mr. and Mrs. James M. Donahue, Jr. Appellants/Petitioners

Konstantine J. Prevas, Esquire

Court conflict and has been

S. Eric DiNenna, Esquire Counsel for Appellee/Protestant

Mr. and Mrs. Michael J. Ruck Appellee/Protestant Ms. Ruby Telesca M. Lacy Gentry Ms. Dolores Ford Mr. and Mrs. Douglas Forrest

Ms. Carol Broman Ms. Gordon L. Kennan Ms. Cristina Beltran

People's Counsel for Baltimore County

P. David Fields Pat Keller J. Robert Haines Ann M. Nastarowicz James E. Dyer

✓Docket Clerk -Zoning Arnold Jablon, County Attorney

LindaLee M. Kuszmaul Legal Secretary

The second secon

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

James Dyer Date April 1, 1988

Zoning Supervisor James Thompson FROM Zoning Enforcement Coordinator

Item No.: 363 (if known) SUBJECT Petitioner: James Donahue (if known)

VIOLATION CASE # C-85-1389 LOCATION OF VIOLATION 803 Stream bank Cf

DEFENDANT James DONAGUE ADDRESS 803 Stream bank 4. Please be advised that the aforementioned petition is the subject of an

active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

1. Council person Bachur

2, 6 Warner Chapman

800 Streambank Ct. TOWION, MI 21204

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

RE: Item No. 363 - Case No. 88-524-X

Petition for Special Exception

Petitioner: James Melvin Donahue, Jr.

The Zoning Plans Advisory Committee has reviewed the plans

submitted with the above referenced petition. The following

comments are not intended to indicate the appropriateness of the

zoning action requested, but to assure that all parties are made

aware of plans or problems with regard to the development plans

that may have a bearing on this case. Director of Planning may

file a written report with the Zoning Commissioner with

Enclosed are all comments submitted from the members of the

Committee at this time that offer or request information on your petition. If similar comments from the remaining members are

received, I will forward them to you. Otherwise, any comment

that is not informative will be placed in the hearing file. This

petition was accepted for filing on the date of the enclosed

Very truly yours,

Zoning Plans Advisory Committee

JAMES E. DYER

Chairman

filing certificate and a hearing scheduled accordingly.

recommendations as to the suitability of the requested zoning.

Konstantine J. Prevas, Esquire

Baltimore, Maryland 21202

5 Light Street

Dear Ms. Prevas:

JED:dt

Enclosures

June 21, 1988

/jl

MICROFILMED

-SICHOFILIVED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

Date May 20, 1988

FROM P. David Fields, Director
Office of Planning and Zoning

SUBJECT Zoning Petition #88-524-X

This office is opposed to the granting of this request. Streambank Court, a cul-de-sac, provides access for six residences. It is this office's opinion that the introduction of this type of use would be inappropriate here.

Office of Planning and Zoning

cc: Shirley Hess, People's Counsel J. G. Hoswell Zoning File

CC. Konstantine J. Prevas, Eng. MAY 24 1988

3/27/88/

CPS-008

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 494-3353

J. Robert Haines Zoning Commissioner





Konstantine J. Prevas, Esquire Suite 950, Ninth Floor 5 Light Street Baltimore, Maryland 21202-1280

> RE: Petition for Special Exception Case No. 88-524X - DONOHUE

Dear Mr. Prevas:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Exception is denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, pleae feel free to contact our Appeals Clerk at 494-3391.

JRH:mmn cc: James Melvin Donahue, Jr. S. Eric DiNenna, Esquire Michael J. Ruck

Zoning Commissioner R. DONCHUE 10-7-88 Kathi: , PMZ asked me to make a cy. attached Order

County Board of Appeals of Baltimore County COUNTY OFFICE BUILDING, ROOM 315 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 887-3180

April 11, 1989

Helen Delich Bentley Member of Congress of the United States 200 E. Joppa Road Towson, Maryland 21204

> Re: James M. Donahue, Jr. Case No. 88-524-X

Dear Ms. Bentley:

The purpose of this letter is to advise you that an appeal was received by this office on November 1, 1988 in connection with the aboveentitled matter. This case is scheduled to be heard before the Board of Appeals on Tuesday, May 2, 1989 at 12:30 p.m.

Very truly yours,

William T. Hackett, Chairman County Board of Appeals of Baltimore County

WTH: lmk

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines Zoning Commissioner

November 16, 1988

County Office Building, Room 315 Towson, Maryland 21204 RE: Petition for Special Exception ES Streambank Court (cul de sac) 136'+ NE Beaverbank Circle (803 Streambank Ct.)

James Melvin Donohue, Jr. - Petitioner

9th Election District, 4th Councilmanic District

Baltimore County Board of Appeals

Case No. 88-524-X

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on November 1, 1988 by James M. Donohue, Jr., Petitioner. All materials relative to the case are being forwarded

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. James M. Donahue, Jr., Public Security & Investigations, Inc., 803 Streambank Court, Baltimore, Md. 21204 Konstantine J. Prevas, Prevas & Prevas

Suite 950, 5 Light Street, Baltimore, Md. 21202-1280 Ruby Telesca, 911 Beaverbank Circle, Baltimore, Md. 21204

Petition for Special Exception ES Streambank Court (Cul de sac) 136'+ NE Beaverbank Circle (803 Streambank Court) 9th Election District - 4th Councilmanic District JAMES MELVIN DONAHUE, JR. - Petitioner Case No. 88-524-X

Petition for Special Exception Description of Property

Certificate of Posting Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments Notice of Postponement

Petitioner's Exhibits: 1. Location Survey "803 Streambank Court"

2. Petitioner's Exhibit #2 not found in file

3. Copies of Registrations and Maryland Driver's License

4. Location Survey "803 Streambank Court"

5. Drawing showing dimensions of dwelling

6. Two 3" x 5" photographs of location

7. Two 3" x 5" photographs of location 8. Two 3" x 5" photographs of location

Protestant's Exhibits: 1. Petition to Uphold the zoning violation determination

Zoning Commissioner's Order dated October 4, 1988 (Denied)

cc: Mr. & Mrs. James M. Donahue, Jr., Public Security & Konstantine J. Prevas, Prevas & Prevas Suite 950, 5 Light Street, Baltimore, Md. 21202-1280 Ruby Telesca, 911 Beaverbank Circle, Baltimore, Md. 21204 M. Lacy Gentry, 914 Beaverbank Circle, Baltimore, Md. 21204

Case No. 88-524-X November 16, 1988

> Mr. & Mrs. Douglas Forrest, 6404 Sharon Road, Baltimore, Md. 21239 Carol Broman, 2127 Buell Drive, Baltimore, Md. Gordon L. Kennan, Sr. 6402 Sharon Road, Baltimore, Md. 21239 Cristina Beltran, 2241 Chapel Valley Lane, Baltimore, Md. 21093

S. Eric DiNenna, DiNenna, Mann & Breschi, Suite 600, 409 Washington Avenue, Towson, Md. 21204

People's Counsel of Baltimore County Rm. 304, County Office Bldg., Towson, Md. 21204

802 Streambank Court, Baltimore, Md. 21204

Mr. & Mrs. Michael J. Ruck

Request Notification: P. David Fields, Director of Planning & Zoning Patrick Keller, Office of Planning & Zoning J. Robert Haines, Zoning Commissioner Ann M. Nastarowicz, Deputy Zoning Commissioner James E. Dyer, Zoning Supervisor Docket Clerk

Case No. 88-524-X November 16, 1988

> M. Lacy Gentry, 914 Beaverbank Circle, Baltimore, Md. 21204 Dolores Ford, 912 Beaverbank Circle, Baltimore, Md. 21204 Mr. & Mrs. Douglas Forrest, 6404 Sharon Road, Baltimore, Md. 21239 Carol Broman, 2127 Buell Drive, Baltimore, Md. Gordon L. Kennan, Sr. 6402 Sharon Road, Baltimore, Md. 21239 Cristina Beltran, 2241 Chapel Valley Lane, Baltimore, Md. 21093

Mr. & Mrs. Michael J. Ruck 802 Streambank Court, Baltimore, Md. 21204 S. Eric DiNenna, DiNenna, Mann & Breschi, Suite 600, 409 Washington Avenue, Towson, Md. 21204

People's Counsel of Baltimore County Rm. 304, County Office Bldg., Towson, Md. 21204 File

JAMES MELVIN DONAHUE, JR.

E/S Streambank Court (Cul de sac) 136' + NE Beaverbank Circle (803 Streambank Court)

9th Election District

SE-Professional office in a DR 3.5 zone in the home. 4th Councilmanic District

88-524-X

Petition for Special Exception filed for a professional office in a DR 3.5 zone in the home. Order of the Z.C. that Petition for Special Exception be DENIED. October 4, 1988

Notice of Appeal from James M. Donahue, Jr. November 1

Hearing on appeal before the Board of Appeals (SLM) Opinion and Order of the Board ordering that the Petition for Special Exception be DENIED.

Order for Appeal filed in CCt, BCo by Konstantine J. Prevas, Esquire on behalf of James M. Donahue, Jr.; Petition to accompany Appeal also filed.

June 23, 1989 July 21

, Certificate of Notice sent.

F, Per CCt - case was DISMISSED for lack of jurisdiction or prosecution without prejudice (William M. Nickerson, J.).

MICROFILMED

Transcript of testimony filed; record of proceedings filed.

Notice of App al received November 1, 1988 from James M. Donahue, Jr. - Petitioner

Investigations, Inc., 803 Streambank Court, Baltimore, Md. 21204

Dolores Ford, 912 Beaverbank Circle, Baltimore, Md. 21204

Towson, Maryland 21204 Dear Mr. Hackett:

This letter is being written on behalf of my constituent, James Donahue, 803 Streambank Court, Towson, Maryland 21204.

Mr. Donahue has filed an appeal with your board in reference to his zoning problem. A member of my staff has visited Mr. Donahue's home and has not noticed any client traffic. The only thing that has been seen is the two cars which are parked in front of Mr. Donahue's home.

Mr. Donahue purchased this home in order to care for his elderly mother. He does have someone coming in to care for her on a daily basis. According to Mr. Donahue, this is the only traffic that occurs on a daily basis.

Please review this matter and advise my Towson District Office of your findings.

> Sincerely, Helen Delich Seutler Helen Delich Bentley Member of Congress

HDB:pd

HELEN DELICH BENTLEY 20 DISTRICT, MARYLAND

COMMITTEE ON

PUBLIC WORKS AND

TRANSPORTATION

SUBCOMMITTEES

WATER RESOURCES

ECONOMIC DEVELOPMENT

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION (ON LEAVE) COMMITTEE ON MERCHANT MARINE AND FISHERIES SUBCOMMITTEES: MERCHANT MARINE PANAMA CANAL/OUTER CONTINENTAL SHELF

COMMITTEE ON

AND SOCIAL SECURITY

THE BUDGET

COMMITTEE ON MERCHANT MARINE AND FISHERIES MERCHANT MARIN COAST GUARD & NAVIGATION SELECT COMMITTEE ON AGING SUBCOMMITTEE ON HEALTH TASK FORCE ON WOMEN

PANAMA CANAL/OUTER CONTINENTAL SHELF OVERSIGHT AND INVESTIGATIONS

Mr. William Hackett Chairman of the Baltimore County Board of Appeals Room 315 111 West Chesapeake Avenue Towson, Maryland 21204

Dear Mr. Hackett:

Enclosed you will please find a copy of correspondence I recently received from my constituent, James Donahue, 303 Streambank Court, Towson, Maryland 21204.

Congress of the United States

House of Representatives

Washington, DE 20575 December 5, 1988

Mr. Donahue is very concerned about the status of his zoning appeal. According to Mr. Donahue, his Petition for a Special Exception has been denied by the zoning commissioner. Mr. Donahue states that his business is not generating any excess traffic. He purchased the house not for business purposes but in order to care for his elderly mother. She is in very poor health and needs constant supervision. Mr. Donahue provides that assistance.

The business that Mr. Donahue is in does require a secretary for bookkeeping purposes but he does not employ any other people at his home. Mr. Donahue would like for some consideration to be given to his situation regarding this zoning status.

Please investigate this matter and advise my Towson District Office of your findings.

> Sincerely, Allen Helen Delich Bentley Member of Congress

HDB:pd

Enclosure

12/07/18 11:35 KK K CBYA

1610 LONGWORTH BUILDING

WASHINGTON, DC 20515

DISTRICT OFFICE:

Towson, MD 21204

200 EAST JOPPA ROAD

COUNTIL DA PUBLIC WORLS AND PARSPORTATION \$19TOWN TILLS WATER BESOURCES COMONY DEVELOPMENT COMMITTEE ON MERCHANT MARINE AND FISHERIES BUSCOMMITTEES MERCHANT MARINE PANAMA CANAL/DUTER CONTINENTAL SHELF

OVERSIGNS AND INVESTIGATIONS

Congress of the United States Nouse of Representatives Washington, DC 20515

NOTICE

THE PRIVACY ACT OF 1974 REQUIRES THAT WRITTEN CONSENT BE OBTAINED FROM THE CONSTITUENT BEFORE INFORMATION CAN BE DISCLOSED FROM RECORDS WITH A GOVERNMENT AGENCY. SO THAT I MIGHT ACT ON YOUR BEHALF, I WOULD APPRECIATE YOUR SIGNING THE FOLLOWING STATEMENT AND RETURNING IT TO ME. (IF YOU ARE INQUIRING ON BEHALF OF SOMEONE, IT IS NECESSARY THAT THEY SIGN THE STATEMENT.)

Dear Congresswoman Bentley:

This is to authorize you to secure information as you may deem necessary pertaining to my request for your assistance.

NATURE OF PROBLEM AND AGENCY INVOLVED 6 AM CARINGS FOR AN INVALID MOTHER AT A HOME IN CROMWELL VALLEY. I

PURCHASED THE HOME FROM A MAN WHO OPERATED A SMALL BUSINESO FROM THIS HOME FOR 18 YEARS. LHAVE A SMALL INVESTIGATION BUSINESS CONSISTING OF MYSELF AND A SECRETARY WHO TYPES AND ANSWERS THE PHONE James M. Loualne - DVER -

Return to: 200 E. Joppa Rd. Suite 400 Towson, MD 21204

212-24-8557 (Social Security #)

JAMES M. DONAHUE (Name - Please Print) 8035TREAMBANK CT (Mailing Address)

(Signature)

(Telephone)

TOWSON, MD Z1204 (City, State) 371-5476.

DISTRICT OFFICE

SOC EVEL SOLVE BONE

I also Irave II fuce time Westigator who comes to the office, (an enclosed comport at my leoness) to term in his reports and puch up his check. a total of 10 minutes. I do not low clients to come to my home, unless mergency, as all work is done by plane. Dhave one neighbor who organized a Retition by the area neighbors, to stop me From working from my love. Polition States rusiness will create increased traffic on be part of visiting clients which is centrue. I promised my mother I would not place un una vensure leane as she worked for one sa volunteer for many years and knows he same given to patients! I lost the mecial Exception Sicaring before Comm: Haines. who feels private investigators are not lassed as professionals. This is also not true nd & line appealed the case.

mother is 82. threatening sincell. The Tel stroke

DINENNA, MANN & BRESCHI

ATTORNEYS AT LAW

5. ERIC DINENNA, P.A. JAMES L. MANN, JR., P.A. GEORGE A. BRESCHI, P.A. GERALDINE A. KLAUBER

SUITE 600 MERCANTILE-TOWSON BUILDING 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204

(301) 296-6820

September 1, 1988

Zoning Commissioner for Baltimore County County Office Building Towson, Maryland 21204

> RE: Case No: 88-524-X Location: 803 Streambank Court Petitioner: Donahue

Dear Mr. Commissioner:

Please enter my appearance on behalf of the protestants, concerning the above-captioned matter.

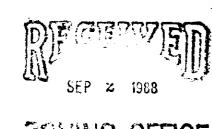
It is my understanding that this matter is to be tried before you

on Friday, September 9, 1988, at 10:00 a.m. I intend to be present on behalf of my clients in opposition to

this request. I would respectfully request that any comments \contained in the

file be forwarded to me as a party to this action.

cc: Mr. Michael J. Ruck Konstantine J. Prevas, Esq.



ZONING OFFICE

DINENNA, MANN & BRESCHI

S. ERIC DINENNA, P.A. JAMES L. MANN, JR., P.A. GEORGE A. BRESCHI, P.A. GERALDINE A. KLAUBER

County Office Building

Dear Mr. Commissioner:

Towson, Maryland 21204

SUITE 600 MERCANTILE-TOWSON BUILDING 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204

(301) 296-6820

Zoning Commissioner of Baltimore County

RE: Case Nd. 88-524-X James M. Donahue, X

September 20, 1988

I am in receipt of the petitioner's answer to protestant's Motion to Dismiss Application for Special Exception forwarded to you on Septembec 13, 1988.

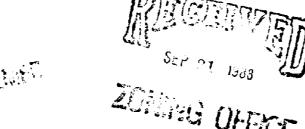
ATTORNEYS AT LAW

This office basically accepts the factual scenario as set forth by Counsel for the petitioner, but must reach a diametrically opposed position. As ruled upon by the County Board of Appeals and the former Zoning Commissioners for Baltimore County, the Commissioner is not bound by President of the County Board of Appeals setting forth certain decisions as a result of specific cases and facts presented to it.

The facts presented before this Commissioner as a result of Mr. Donahue's Petition, are not the same as set forth in the matter that resulted in the County Board of Appeals decision under Case No. 82-179-V.

Accordingly, it would be the protestant's position that their Motion be granted and that the petitioner, Mr. James M. Donahue, Jr., for his Special Exception for his offices at 803 Streambank Court be

cc: Mr. Constantine J. Prevus Mr. Michael Ruck



DINENNA, MANN & BRESCHI ATTORNEYS AT LAW

S. ERIC DINENNA, P.A. JAMES L. MANN, JR., P.A. GEORGE A. BRESCHI, P.A. GERALDINE A. KLAUBER

MERCANTILE TOWSON BUILDING 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (301) 296-6820

November 16, 1988

Zoning Commissioner for Baltimore County County Office Building Towson, Maryland 21204

RE: Case No. 88-524X In the Matter of James M. Donahue, Jr.

Dear Mr. Commissioner:

Please refer to the above-captioned case and the file with its Findings of Facts and Conclusions of Law decided by yourself on October

On or about Wednesday, November 9, 1988, I phoned your office and was advised an Appeal had been taken by the Petitioner from your

Would you be so kind as to forward me documentation of that Appeal, as well as the timely filing of that Appeal.

cc: Mr. Michael J. Ruck



DiNenna, Mann & Breschi ATTORNEYS AT LAW

(301) 296-6820 TELEFAX (301) 296-6884

SUITE 600

MERCANTIF STOWSON BUILDING

409 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

February 22, 1989

County Board of Appeals County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

> RE: Case No. 88-524-X James M. Donahue, Jr., Petitioner

Dear Madam Clerk:

SED:cjc

S. ERIC DINENNA, P.A.

JAMES L. MANN, JR., P.A.

GERALDINE A. KLAUBER

FRANCIS X. BORGERDING

GEORGE A. BRESCHI, P.A.

As you are aware from your file, I represent protestants concerning the above-captioned matter. I am in receipt of your notice that the above-captioned matter is set before the Board for March 29, 1989, at 10:00 a.m.

This is to advise you that I am set for trial in the Circuit Court for Baltimore County in the matter of Baltimore County v. Carter on that same date and time.

Accordingly, I would respectfully request a postponement of the hearing before the Board and, if granted, I would request that you contact counsel to this matter to set a new date that would not be in

conflict with our respective schedules and the schedule of the Board. Thank you for your cooperation.

cc: Mr. Michael J. Ruck Konstantine J. Prevas, Esquire

Public Security & Investigations, Inc.

BALTIMORE, MARYLAND 21204

JAMES M. DONAHUE, JR.

AREA CODE 301

28 October 1988

Baltimore County Zoning Commissioner Office of Planning and Zoning Towson, MD 21204

Attn: Commissioner J. Robert Haines

RE: Case #88-524X

Dear Commissioner Haines:

I am herein requesting an appeal of my case before the Board of Planning and Zoning Appeals.

Enclosed is a check in the amount of \$115.00 required for filing fees.

PUBLIC SECURTLY & INVESTIGATIONS, INC

Thanking you in advance for your kind assistance, I remain,

JAMES M. DONAHUE, JR. Director



Public Security & Investigations, Inc.

BALTIMORE, MARYLAND 21204

JAMES M. DONAHUE, JR

AREA CODE 301

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, MD 21204

Attn: Ms. Gwendolyn Stevens

Dear Ms. Stevens:

RE: 88-524-X

Further to our conversation of May 31, 1988, I am respectfully requesting a postponement of my special exception hearing, originally scheduled for Wednesday, July 6, 1988. My attorney, Konstantine J. Prevas, has advised me he will be in Russia at this time and will not be returning until July 9th.

Mr. Prevas further stated he has some court dates already on the docket upon his return. He kindly requests, in his and my behalf, that a date be scheduled during the first week of August as this week is totally clear for him at this time.

Thanking you in advance for your kind consideration and assistance with this case, I remain.

PUBLIC SECURITY & INVESTIGATIONS, INC.

MICROFILMED

No.88 260

State of Marpland

April 30, 1989

PRIVATE DETECTIVE LICENSE THIS IS TO CERTIFY, That PUBLIC SECURITY & INVESTIGATIONS, INC.

having complied with the provisions of the Private Detectives Law, Sections 543-606, Article 56, Annotated Code of Maryland (1986 Rev.), is hereby granted a LICENSE to conduct a PRIVATE DETECTIVE BUSINESS, subject to all of the provisions of said Law, until the date of expiration shown hereon; the Applicant(s) for said License being:

James M. Donahue

803 Streambank Court

Baltimore, Maryland 21204

Principal Office Location: 803 Streambank Court, Baltimore, Maryland 21204

This License shall be conspicuously displayed at all times in the Office, only, at: 803 Streambank Court, Baltimore, Maryland 21204

and shall be returned to the Department of Maryland State Police within five days after it shall have expired or shall have been revoked or suspended.

In Testimony Mhereof, I have hereunto affixed my official signature, at Pikesville, Baltimore County,

Maryland, this First day of May A. D., nineteen hundred and eighty-eight.

Elma H. Tippets

Tome Homes Reconses on Regimens - So Fign.
101 OR 74.8% ON Pages 15416. TO: COMMISSIONER V. KOBERT HOINES

COMMISSIONER V NOBERT HAINES.

REF. CASE 88-524X *363 July 27, 1988 - 9AM

FROM A SUGGESTION FROM COUNCIL WOMEN BARBARD BACKUR'S OFFICE, I AM ENCLOSING THE FOLLOWING ITEMS:

> I - FROM OUR PERSONAL HOME FILE" A COPY OF DOCUMENT CONTAINING COVENANTS OF THE CROMWELL VALLEY ARED - STILL IN EFFECT.

Pervoys usace or 137" porac some SNING. OFF

TO THE "HOME OWNER SKINORS" OF PETITIONS -

930 SERVEZ BRAK CIRVLE 914 CROMWELL BRIDGE

WE HALF 2 HOMES WHOSE OUCLASNIS RENT:

CORRECT DAVISON IS NOW 135 OWNER OCCUPIES UNITS.

THE "SPECIAL EXCEPTION" OF MR. JOMES
DONAHUE - 803 STREAMBONK COURT.

PRESENT HOMES TOTAL 137 - HOMES SIGNED FOR TO DONE 94 OR 68,6% (OVER PLEASE)

Professional Investigators Security Association

P.O. BOX 7600 **ALEXANDRIA, VIRGINIA 22307**



(10 No. 85-524X

December 20, 1988

Mr. James M. Donahue, Jr. Public Security & Investigations, Inc. 803 Streambank Court Baltimore, Maryland 21204

Dear Jim:

Thank you for your letter of November 2, 1988 concerning your problem with the Zoning Commission.

As you know, I have been active locally, nationally and internationally regarding our profession as private investigators.

Here in Fairfax County, Virginia the taxable income of private investigators falls in the same category as attorneys and other professionals. Private investigators in Virginia are registered and licensed by the Department of Commerce. The DOC also licenses other professions (See Enclosed List). Surely, your Zoning Commission will agree these groups are generally accepted as professionals.

As I deal with many of the licensing authorities of the various states, I find they do accept private investigators as professionals. Your credentials would certainly be considered professional. We in the P.I.S.A. feel so strongly about this issue that our corporate entity carries the name PROFESSIONAL Investigators and Security Association.

If I can assist you further, please do not hesitate to call

NRB:gy

I am writing you on behalf of James M.

I have the utmost admiration and respect

for his professional background and ability.

World Association of Detectives, Inc. CHARLES E. DENNIS, JR. — EXECUTIVE DIRECTOR
P. O. BOX 1049 ◆ SEVERNA PARK, MD (USA) 21146
301-544-0119 ◆ FAX 301-544-6181

VICE PRESIDENTS 19 - RICHARD JACQUES TURNER 62 High Street Hull, England HU1 1QR Hull, England HUT 104 2452-222436 Fax 14-482-218715 245 — KADISM SHERMISTER 77 Renov Ben Yenuda Tei Avv. 63436 Israel C3-544 92 92 Fax 972-3-623995 31d — ROBERT A. HEALES 2170 S. Parker Rd., Suite 285 4/26/89 Deriver, CO 80231 303-671-8700 Fax 303-671-6063 CHAIRMAN OF THE BOARD
BAYMOND A PENDLETON Fost Office Box 6407 New Orleans, LA 70174 504-392-3662 DIRECTORS (Term Ending 1991) ALBERTO N'COLO AMATI

To Whom it may concern:

Very truly yours,

Executive Director

Maryland 21204., who is a member of this LERDY COOK
CELINE ESTILL
JACK HENEBRY
BERNARD WAJOR
JOEL MICHEL
CHR STOPHER NOLAN
J.D. VINSON, JR.
(Term Ending 1989) professional association. and professionally, for over 30 years.

LORETTA BICKERSTAFF
KATHLEEN CUMMINGS
NEAL HOLMES
WILLIAM LAPWORTH
JAMES SIMS
JOHN WHITE
SANFORD WHITE AND INCLUDING ALL MEMBERS EX-OFFICIO

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President-Emercus
San Antonio, Texas
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Severna Park, MD
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Nisshville, Tennessee
JOHN FORREST
Windsor, Canada
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New Orienns, LA
JERROLD R. POTH
Sratte. WA
JOSEPH D. VINSON, SR.
New Orleans LA
FRANK B. WATTS
Royal Caik, MI
SAMULL H. WEBSTER
San Francisco, CA
MATTI N. J. WESTERHOLM
Haisinki, Finitand
ANTHONY R. ZINKUS
Tucson, Anzona

89 HYX -5 EH 3: 12

EXECUTIVE DIRECTOR CHARLES E. DENNIS, JR. P. O. Box 1049 Severna Park, MD 21146 301-544-0119 Fax 301-544-618 SERGEANT-AT-ARMS HISTORIAN LORETTA BICKERSTAFF AREA GOVERNORS Argentina - BERNARDO J. MUSCOGORRY Australia
WINSTON GREGORY Austria
HEINZ RAMBOUSEK

Bermuda WILLIAM A. BLACK Belgium
JEAN-PIERRE DE CUYPER anada BERNARD MAJOR Donahue, Jr., 803 Streambank Court, Baltimore Denmark CLAUSG. JENSEN I have known Mr. Donahue, both personally Alfons J. MEISMANN

England TREVOR E. JONES

Germany WERNER E. SACHSE

flaly RANIERO ROSSI Philippines DANILO O. MENDEZ Scotland TOM J. CONNELL Singapore PONNOSAMY KALASTREE

South Africa PHILLIP O. PIRIS Spain FRANCISCO GARCIA-GARRIDO Sweden BERNE K. BARVEFJORD ANGEL URUENA ALMOLDA Central U.S.A. JOHN M. WHITE STATUTORY DIRECTORS Australia CRAIG R. DOUGLAS Canada BERNARD H. MAJOR

NICHOLAS R. BELTRANTE, CII President P D Box 75600 Washington, D. C. 20013

PETER F. TARRANT, CIL Chairman of the Board Suite 202/1010 1st Street S.W.

RICHARD L. MERKET, CII, FIPI

P. O. Box 2098

Cape Coral, Florida 33910

November 28, 1988 To Whom It May Concern:

MALCOLM W. THOMSON, CIL 3rd Vice President 21 Herot Row Edmburgh EH3 FEN, Scotland (031) 225 6511 1988 EXECUTIVE BOARD ROBERT L COOMBS, CI tigations, Inc., 803 Streambank Court, Baltimore, MD, 21204. 8 Keele Street West Come Sudney, 2726 Australia (02) 528-6331 W. H. WALLY DAMERELL, CII 5/14 NPPUB COMPANY Sinte 201 Northroge California 91324 (818) 313-0875

DANIEL W. SLOWICK, CII P.O. Bris. 149 Parties, Massachusetts 01069 (413): 283-7003 999 EXECUTIVE BOARD H E DAN BUNCH C NANCY POSS, CII P. O. Box 11783 JOHN E SWAIN OPM, CIL 40 Cocketci Hill Reigate Surray RH2 BAN, England (Reigate) 49084

JACKIE TEEL, CII 3923 Killarnev Droe-San Antonio, Texas 78223 (512) 337-6720 900 EXECUTIVE BOARD JOAN M. BEACH, CH. 11695 Judicial Drive / A-S JAMES E ELLIS. CII 1822 Embarcadoro Oakland Caviorna 94505 (#15) 436-0666

ROBERT M PETERSON, CH 27999 Climmins Road Develand Onio 44145 (218) 892 10721 PEGIONAL DIRECTORS M ETTISCHENCIELMARR, OH-Germany HEMRY Y CHING CH - Hawan (Pacifi LI FUK KI CB Hong Kong RAMESH C MADAN CII - India (North) CHRISTOFHER L. NOLAN CIL-helped AVIV DOR, CH - Israel SUMIO HIROSI IIMA, CAI- Japan GERD H. HOFFMAN, CIL-Nemerland M/ COEM W THOMSON CIT-Scoland CHURLES VETTER, Cit. Sentrerland RAFAEL A RIVAS VASQUEZ CHI-Venezuel

JACK P. HENEPRY, CH. USA (West)

BIRNIE E FLOYD, CII 2nd Vice President 3468 Duridas Street. West Toronto, Ontairo, Canada WSS 251 (416) 766-3473

tigators and, although requirements vary from state to state, the thrust of licensing applies to professional competency and reputation. Federal statutes, such as the

ZENA SCOTT ARCHER, C Prince Pulldings, 81 Date Stroet Liverpool, 12 241, England 051-236-1613

The Council of International Investigators

This is in response to a decision by the Baltimore County Zoning Board to the effect that a Private Detectives IS NOT a professional person. The ca 3 in point relates to James M. Donahue, Jr., principal of Public Security & Inves-

Please be advised that although the exclusion from professional status was probably accurate in the past, there are compelling reasons why this exclusion no longer

Each state now has licensing requirements for inves-

National Fair Credit Reporting Act, set parameters for investigations in the private sector. Investigators aid the private sector in such diverse areas as white collar crime and pre-employment background inquiries. The private sector fills a gap not covered by

the public sector. Professional recognition is afforded the investigator membership in such groups as the American Society for Industrial Security. This national group closely screens its applicants and monitors its members closely.

Colleges have instituted degree courses in Criminal Justice. Investigators in the private sector (such as our firm) have taught classes in security and investigation. We have an active internship program with area colleges. Students spend their Senior summer with us, and I believe WANTE A RESIDENCE CA CAMPBE FEACH this kind of relationship demonstrates very vividly the GAVIN' IN FERGUSSION CHI Caracter Newson acceptance of private investigators as a professional entity.

I write this letter in my capacity as an Executive Director of the Council of International Investigators. This worldwide organization abides by a strict Code of Professional Ethics.

Webster's Dictionary's definition of the term

"professional" does not attempt to limit what constitutes

- The Selected Elite of Investigators Worldwide -

Response to Baltimore County Zoning Board

a professional but only to describe and illustrate the term. For example, we know teaching and architecture both are professions as are many fields of the sciences.

Mr. James Donahue, who was denied a Special Exception Permit by the Baltimore County Zoning Board, certainly meets professional standards as exhibited by his prior service with the Maryland STate Police and the Baltimore County Police over a 28-year period. His experience and schooling during this time more than adequately qualifies his professional status.

> Very truly yours, Robert M Relin

assitance, please advise.

Robert M. Peterson

Thank you for your consideration. If I may be of further

Sincerely,

Nicholas R. Beltrante President

The Department of Commerce Issues licenses and is responsible for disciplining most of the businesses and occupations that the Virginia General Assembly has determined should be regulated in order for the public safety, health and wefare to be protected.

Regulatory Boards

The Department functions primarily through a structure of regulatory boards made up of persons appointed by the Governor and other public officials. The essential duties of these boards are to:

 Establish minimum standards to obtain a license. Maintain standards of conduct for license holders · Discipline license holders who violate laws or

regulations pertaining to their business or

occupation.

public bidding.

Regulated Business and Occupations The following businesses and occupations are regulated by the Department:

Certifiea Public Accountants-businesses and individuals who audit accounts.

Architects-businesses and individuals who design buildings. Auctioneers-individuals who conduct sales by

Audiologists-individuals who treat those with impaired hearing.

Barbers-businesses and individuals who cut and style hair.

Boxers-Athletes who participate in sanctioned boxing events.

TOLL FREE: 1 (800) 552-3016

Contractors—businesses that construct or improve facilities on property owned by others.

Employment Agencles-businesses offering to find iobs for persons for a fee charged to the job seeker. Professional Engineers-businesses and individuals who design facilities systems, utilities, roads and

Geologists-individuals recognized as qualified to provide consultation on geology. Hairdressers-businesses and individuals who cut

and style hair. Harbor Pilots-individuals who navigate vessels in and out of Virginia waterways.

Hearing Ald Dealers and Fitters-individuals who sell and fit hearing aids.

Certified Landscape Architects-individuals who plan and design the use of land.

Nursing Home Administrators-individuals who manage private nursing homes. Librarian-an individual who possesses a knowledge

of books and of library techniques. Opticians-businesses and individuals who fit and

sell prescription glasses and contact lenses. Polygraph Examiners-individuals who administer

lie detecting tests. Private Security Services—businesses and individuals offering courier, guard, armored car and investiga-

Real Estate-businesses and individuals representing others in real property transactions, including

condominiums, cooperatives, time-shares, subdivided land sales and housing discrimination. Speech Pathologists-Individuals who test, evaluate and treat those with speech disorders.

Land Surveyors-individuals who determine the dimensions and boundaries of property. Water and Wastewater Works Operators-in

ment facilities.

Wrestlers-athletes who participate in sanctioned wrestling events.

dividuals who operate water and wastewater treat-

Commercial Driver Training Schools-private schools offering to teach persons how to operate a motor vehicle.

TO WHOM IT MAY CONCERN:

This letter is written in behalf of Mr. James M. Donahue, whom I understand is encountering zoning problems pertaining to his new residence in Towson.

I was a neighbor of Mr. Donahue's for several years, residing at 1100 Overbrook Road, in the Idlewylde community, living directly across the street from his residence. During this period of time, Mr. Donahue and his wife operated a small private detective business from his home. I was formerly the President of the Idlewylde Community Association and continuously active as a member of the association, as was Mr. Donahue. During the time I resided in that community and tenure as president of the community association, Mr. Donahue's business never caused a concern or problem to the community. His home was kept in accordance to community regulations, and there was never any visible sign of a business being conducted within his residence. His home was occupied by his wife and children, and Mr. Donahue operated his business by telephone, from a small enclosed porch, at the rear of his home.

For many years, Mr. Donahue provided a feeling of security among the many elderly neighbors, who were aware of his availability should a problem ever arise. Many times, Mr. Donahue had provided security services to neighbors who were away from their residences for extended periods of time.

It is my personal opinion that any area where Mr. Donahue resides would greatly benefit from his many years of police experience and vast professional training in the field of security and criminology. I observed Mr. Donahue to be a man of excellent character and high moral standards, who was extremely well liked by everyone in the Idlewylde

I would be very happy to be called upon as a character reference for Mr. Donahue, at anytime.

Britist B. Openlung fr.

GILBERT B. OSENBURG, JR. 7732 HARFORD ROAD BALTIMORE, MD 21234

(301)665-6000

Peggy S. Warfield 6525 Loch Hill Court Baltimore, MD 21239 April 20, 1989

County Board of Appeals of Baltimore County County Office Building 111 W. Chesapeake Avenue Towson, MD 21204

Attn: Zoning Commissioner/Board of Appeals

RE: CASE NO. 88-524-X James M. Donahue, Jr.

Dear Commissioners:

I am writing in behalf of Mr. James Donahue, a former resident of the Idlewylde community, 1022 Overbrook Road, Baltimore County.

During the eighteen(18) years Mr. Donahue resided in Idlewylde, there was never a concern about his business being maintained in his residence. As a community president for six(6) years, neither I nor the Idlewylde Community Association, Board of Directors was ever contacted, regarding any problems or concerns pertaining to Mr. Donahue's business.

Mr. Donahue had expressed his reluctance to move from our community; however, he stated he was well aware he would not be able to care for his invalid mother at his Overbrook Road residence.

Mr. Donahue was always considered a good neighbor and the welfare and safety of his community was always within his focus.

Sincerely.

Former President Idlewylde Community Association

PSW/cb

18 April 1989

County Board of Appeals of Baltimore County County Office Building 111 W. Chesapeake Avenue

Attn: Zoning Commissioner

RE: CASE NO. 88-524-X James M. Donahue, Jr.

Dear Commissioner:

Towson, MD 21204

I am writing you regarding James M. Donahue's zoning appeal hearing, scheduled for Tuesday, May 2, 1989. I was present and testified at the original hearing, October 1988, in Mr. Donahue's behalf. It was my intent to be present at the appeal hearing scheduled for Wednesday, March 29, 1989, in support of Mr. Donahue; however, due to the rescheduling of the abovementioned hearing, to May 2, 1989, I am unable to attend. I will be in Ohio from May 1st until May 9th or 10th, and I am unable to change my

Herein, I wish to restate, to you, that I observed one unidentified automobile, parked in front of my residence, 911 Beaverbank Circle, on only one occasion prior to the original zoning hearing held in October of 1988. I was later informed by Mr. Donahue that said automobile was owned by one of Mr. Donahue's agents who was picking up his paycheck. Since the previously mentioned October, I have not observed any unknown vehicles parked in front of my residence.

I also would like to restate that I have not observed any marked increase in the traffic flow into Streambank Court, specifically to Mr. Donahue's residence, since he moved into his residence in October of 1987.

I have continued and deep respect for Mr. Donahue's efforts in caring for his semiinvalid mother, in his home, while continuing to operate his business.

It is my personal opinion, that without being advised, it is not visibly apparent that Mr. Donahue operates a business from his home. I sincerely hope that my letter will effectively substitute for my presence and support of Mr. Donahue's appeal for

Very truly yours

Buby D. I clear

Ruby V. Telesca

Baltimore County Office of Planning & Zoning ZONING OFFICE Towson, Md. 21204

Dear Commissioner Haines:

i. Robert Haines

Zoning Commissioner

This letter is in support of the appeal being made by Mr. James M. Donahue, Jr., of 803 Streambank Court, which is scheduled to be heard later this month.

Re: Petition for Special Exemption

Case No. 88-524-Z

I appeared at the original hearing in this matter in behalf of Mr. Donahue. Unfortunately, I will be out of the state when the appeal hearing is scheduled. I had planned to be present and to testify at the appeal hearing. Since this will not be possible, I am writing this letter, and ask that it be given due consideration in the appeal process.

It has been my good fortune to be acquainted with Mr. Donahue for over fourteen years, twelve of which as an im mediate and close neighbor -- living less than 150 feet from 🛪

During those years, Mr. Donahue ran his Public Secur ity and Investigations, Inc. business from his home. In trutho I had lived there for three years before I found out that he was running the business from his home -- even though I did know the type of business he was in. I can testify truthfully that at no time did the operation of his business have any outward or even visible effect on either his street or the neighborhood. There was never, in any way, a noticeable difference in either automobile or persons traffic in and around his house at any time during this entire period of time.

Mr. I Jnahue was an outstanding member of the community. He supported the Idlewylde Community Association as an active member, and was always in the forefront, as a supporter, of any and all of its programs. He was a quiet, unassuming, and quite un-noticeable neighbor and member of the community. never having casued a problem of any kind. If anyone ever needed assistance, Mr. Donahue could always be counted opon to lend a helping hand. In this regard, then, all of his neighbors held him in high regard, and were extremely sorry to see him leave the community.

I know that Mr. Donahue's move to his present address was caused by his concern for his aged and infirm mother. While he lived here in Idlewylde, he maintained his mother in her own apartment on Northern Parkway, about one-half mile away -- since

this was her wish. As her physical condition worsened, her disabilities increased to the point that it became apparent that she could no longer live alone, or take care of herself. The configuration of his Idlewylde residence was not conducive to take care of his mother--thus forcing him to look for another

At this time, then, he had no alternative other than tolook for a suitable residence that would serve two different purposes. First, it would have to allow him to properly care for his mother; and secondly, it would have to serve as a base to conduct his business.

His new residence at 803 Beaverbank Court seemed to offer him the answer to both of these requirem nts. The layout of the house would readily allow him to properly care for his mother. And, insofar as his business was concerned, it seemed to be the answer to his prayers -- for it had an office for himself, and one for his secretary. In addition, it had a private entrance into the office area, which made it secure from the residence itself. And best of all, the prior owner, from whom he purchased the property, had built these offices, and ran his own business from them for many, many years. It should be noted here, at this time, that the self-same neighbors that are objecting to this appeal never entered an objection of any kind to the operation of that business.

Mr. Donahue had an exception to zoning regulations at his Idlewylde address; and never having had a problem, felt that he would not experience any problem at his new residence. It came as a complete surprise to him, that the very neighbors who had tolerated many years of business useage of this residence, without complaint of any kind should suddenly, and viciously attack his similar use of the property, for no apparent reason.

Now that a very substantial period of time has elapsed since Mr. Donahue moved into his residence, and an extended period of time has also passed since his original application for an exception to the existing zoning regulations, it can be ascertained that nothing of a deleterious nature in the way of increased undesireable traffic -- either vehicular or pedestrian has occurred. Thus the objections of the opponents to the granting of this exception are without basis in either cause or effect.

While there can be no dispute in the original finding of the Hearing Officer as to the strict wording of the zoning regulation, as written; nonetheless consideration of mitigating circumstances must, of necessity, play a role, if justice is to be a part of the process of evaluation in reaching a truly fair determination.

Even in a court of law, before sentence is passed, every opportunity is afforded the person on trial to either explain or to justify the reasons for his actions. Only after this has happened does the judge render a just and fair decision -- having

given due consideration to all of the evidence presented. Understanding and compassion have always played a major role in our judicial process.

No law or regulation has ever been so perfectly written that it can cover every circumstance that may affect its application. For this reason, we have established a basis for both recourse and appeal. Certainly zoning regulations must fall into this same category.

With the burden of proof of compliance clearly the duty and obligation placed on Mr. Donahue, should this exception be granted, I feel certain that the opponents of this appeal will find nothing to complain about in his following any limitations

In light of the fact of his many previous years of never having caused a problem in the Idlewylde community, added to the fact that he has caused no problems since moving into his Beaverbank Court residence, and in due consideration that the same property has had identical use for which this appeal is being made, I petition the Board to grant this exception. Justice would certainly seem to be best served with such a decision.

Thank you for your consideration.

6404 Sharon Road Idlewylde Baltimore County Maryland 21239

CASE#: 88-524-X JAMES M. DONAF JR.

Internal Medicine

The Good Samaritan Hospital Professional Bldg., Suite 200 5601 Loch Raven Boulevard Baltimore, MD 21239 (301) 532-4047

April 6, 1989

Re: Grace Donahue To whom it may cencerw:

Mrs. Donahue is an 82 year old midaw who verently resider with her son, Mr. J. M. Donahue, J.

the requires constant supervision because of her underlying medical problems which include a hainsten Circheronscular accident and propressive dementia, probably suchraay to, multiple infercts. The stroke har permanently impaired her balance so that walking. The training an inverse because and is at their reasons for these reasons, she must be constantly a tended exter in a private have as a

S. ELLIOTT HARRIS, M. D. GERALD N. MAGGID, M. D. RICHARD W. BITTRICK, M. D. BIDD HARFORD ROAD BALTIMORE, MARYLAND 21234

TELEPHONE: 665-4400

April 17, 1989

GRACE DONAHUE Date of Birth: 12/10/07

The patient was examined on April 5, 1989. She was brought in by her son, who gives the following history: The patient can only walk with a walker because of twisted spine and arthritis in her spine. She falls frequently and has broken bones in the past. She has to use a "lift chair" to get up. She drops things because of no strength in her right hand. She has constant memory loss, such as she will leave the stove "on". She forgets in the middle of a sentence. She has chronic back pain. She has decresaed hearing, even though she has a hearing aide of each ear. She has double vision at times. She is depressed. These are the reasons that she needs constant supervision at home. She cannot do things for herself and has to be kept out of trouble.

She also has a past history of duodenal ulcer, hiatal hernia, fractured left ribs in 1987, fractured right clavicle in 1972, discogenic disease and arthritis of lumbar spine, fractured left foot in 1975, right carotid surgery in 1984 and trouble with speech and swallowing following this. There is a history of no pulse in the left carotid. A basal cell carcinoma removed in the area of the left mandible about 1986 plus a Warthin's lesion removed in the right neck. She has had a hysterectomy. There has been a granuloma in the right lower lung since 1980. Cataract surgery in 1987 (?).

On examination, weight 1631, blood pressure 120/70, pulse 100, temperature 98.0. Examination of the head reveals that she has difficulty even with hearing aides. Examination of the neck reveals the left carotid pulse to be absent. Examination of the chest, abdomen and extremities is not remarkable. Examination of the back reveals pain on motion and kyphos scoliosis. The patient is alert and cooperative but memory is not good. She is using a walker to get around.

Because of all these handicaps, it is my medical judgement that the patient needs constant 24 hour supervision. This supervision may be done at home by her family.

Gerald N. Maggid, M.D.

and nine hundred and fifty-seven, by CROMETL VALLEY, INC. . a

Maryland corporation

point of beginning

WHIRMAS. Crossell Valley, Inc. is the owner of the tract of land situtate and lying in the County of Baltimore, State of Maryland, and described as follows:

Beginning for the same at the end of the 34th or Morth 66° 62° 00° West, 350.00 feet line as described in a conveyance from Clarence M. Plitt and wife to Crown; Cork and Seal Company, Inc., dated September 9, 1955, and recorded among the Land Records of Baltimore County in Liber 6.L.B. No. 2776, folio 34; said 34th line being North 65° 59° 04" West, 350.00 feet as new surveyed, referred to the true meridian as established by the Baltimore County

Deed dated February 19, 1957, recorded among the Land Records of Baltimore County in Liber G.L.B. 3109, Folio 269, from Providence Realty, Inc., to Gressell Walley, Inc., and in confirmatory deed between the same parties dated June 20, 1957, recorded among the aforesaid Land Records in Liber G.L.B. 3180, Felio 461, and the remaining part of which is described in the Deed dated Amgust 1, 1936, and recorded among the aforesaid Land Records in Liber G.L.B. 2983, Fallo 589, from Providence Sealty, Inc. to Crossell Valley, Inc.

which land it intends to subdivide into individual lots for building purpose with the object of developing a residential neighborhood, and

WHEREAS, for the purpose of greating said residential meighterhal

BON THEREFORE VITHESHEEL that the said from all biley June 18

Perpetual No. 4-987-661 LIBER7 🕽 | PAGE5 9 4 DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

n the year one thousand nine hundred and George L. Hurlock and Dorothy V. Hurlock, husband and wife

County of Baltimore, State of Maryland James M. Donahue

of the first part, and

by and between

of the second part.

WITNESSETH, That in consideration of the sum of ** One Hundred Forty-Six Thousand and 00/100 (\$146000.00), receipt of which is hereby acknowledged

the said parties of the first part

grant and convey to the said party of the second part, his

personal representatives/sucressors and assigns

, in fee simple, all

of ground situate in Baltimore County State of Maryland and described as follows, that is to say:

located on the E/S Streambank Cr 112 feet mostin of licewer war Circle BEING known and designated as Lot No. 12, Block B, as shown on the Plat Cromwell Valley Section South 11, which Plat is recorded among the Land Records of Baltimore County in Plat Book GLB No. 24, folio 5. The improvements thereon being known as No. 803 Streambank Court.

Being the same lot of ground which by Deed dated July 3, 1975, recorded among the Land Records of Baltimore County in Liber EHK, Jr. 5561, folio 186, etc., was granted and conveyed by Central Savings Bank unto the within named grantors. See also Assignment recorded in Liber GLB 3345, folio 478. Dorothy V. Hurlock aka Dorothy L. Hurlock.

STATE DEPARTMENT OF ASSESSMENTS & TALATION

AGRICULTURAL TRANSFER TAX HOT APPLICABLE

B B 286****233600:a \$06%A

never appealed.

5/02/69

2127 Bull Drive 803 Streambank Or 6402 Shawar Rd 914 Bequerbank Circle 6-toit Sharore Kel undar forest eldred M. Hornest 6404 Sleason Rd. 1: Telessa 911 BEAUERBARNCER. 912 Besverbank Cinde Crustina Beltran 2241 Chapel Villey fone

PETITIONER(S) SIGN-IN SHEET

MICROFILM.

IN RE: PETITION SPECIAL EXCEPTION NE/corner of Rolling and Chesworth Roads (1301 North Rolling Road) - 1st Election District

Richard A. Dalla Tezza,

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 85-78-X

Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * *

The Petitioner herein requests a special exception for a professional office in his residence, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Appearing on behalf of the Petitioner was Wilbur Duvall, a registered professional engineer. Ronald Lepson, a resident of the area and a representative of the Westview Park Improvement and Civic Association, appeared and testified as a Protestant.

Testimony indicated that the subject dwelling, located on the corner of Rolling and Chesworth Road, zoned D.R.3.5, contains three stories with the proposed office to be located on the first floor. The Petitioner has been a real estate broker for three years and was a real estate agent for six years before

that. He wishes to operate his business from his residence. He estimates that wiuld see 30 to 50 potential clients per year in his home and that most of his business would be conducted off premises. His wife, who would act as his secre 🏖 y, would be his only employee.

Duvall testified that a County survey of traffic at this intersection Showe that the traffic count was 24,000 vehicles per 24 hours. According to Mr. D. 11, based on his experience and expertise, the proposed office would not adversely impact the traffic flow, i.e., 30 to 50 people per year would not cause a problem. In fact, all of the Petitioner's business would be conducted

MICROFILMED

B: taday's place -FII --People's Counsel pulled similar case involving Real Estate Agent in Zoning case which never made it to the Board as

On page 4 of that Zoning decision, Arnold Jablon references * Donahue -- same Donahue appearing in today's 12:30 p.m. hearing. Thought you should be aware of this.

*Zoning Violation case heard by the Board in 1983.

PLEASE PRINT CLEARLY 802 StREAM BANK COURT 909 BEALERBAUX GRELE Telebrue Kasman 800 STATAMBANK CX illian m. Il ka oman P.t. +t Gevel+ Ruck 802 Streambank Virginial Pichards SanTesse 80/ Streambank Et DONATO R. TELESCA 911 BEAVERBANK CIR. Louis F. Spriges 948 BEAUERBANK CIRCLE HARry Thomas (a Butler 932 Beaverbant Cirile 800 Beaverbank Cf

IN THE MATTER OF JAMES M. DONAHUE, JR., ET UX
RE: ALLEGED ZONING VIOLATION COUNTY BOARD OF APPEALS ON PROPERTY LOCATED AT 1022 OVERBROOK ROAD 9th DISTRICT BALTIMORE COUNTY NO. 82-179-V (C-82-229) OPINION

This matter comes before the Board following an opinion of the Zoning Commissioner that James M. Donahue, Jr. was operating a business from his residence located at 1022 Overbrook Road, in the Ninth Election District of Baltimore County.

Evidence presented at the hearing today indicated that, in fact, Mr. Donahue does run Public Security and Investigations out of his home and that he employs a part time secretary for such business purposes. Additionally it was admitted that from time to time Mr. Donahue engages the services of investigators. These investigators do not work out of this residence and are there only periodically in a manner that would not distinguish them from any other visitor or friend. Mr. Donahue presented two neighbors that live next to his home. These neighbors indicated that there is no traffic problem generated on account of this business use and that there are no other cbjective indications that any business takes place within the premises. Mr. Donahue testified that he has been carrying on this business since 1973 at this location without interruption. Mr. Donahue also testified that the State requires individuals choosing his career to be licensed. By virtue of this licensing requirement, the State is permitted to regulate this industry as they | would any other profession that is similarly licensed and regulated. The Board, therefore, determines that a professional private investigator is a ho professional person within the meaning of the Zoning Regulations.

In 1980, Baltimore County repealed the professional office use in residential zones as a matter of right and made them permissible upon applicafor a special exception. Prior to this time offices for professional persons occupying no more than twenty-five percent (25%) of the total floor area of such residences and did not involve the employment of more than one

PETITION

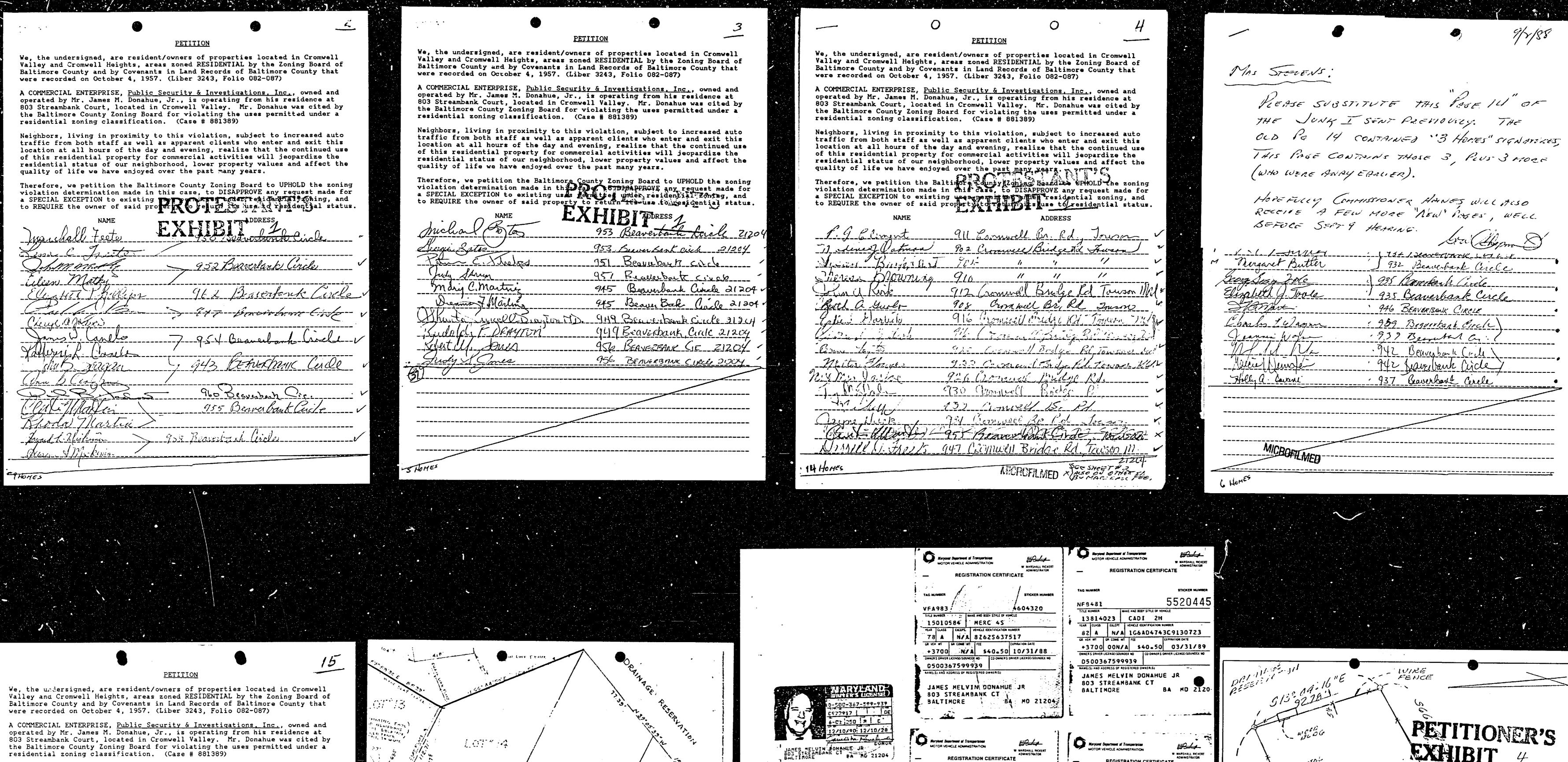
We, the undersigned, are resident/owners of properties located in Cromwell Valley and Cromwell Heights, areas zoned RESIDENTIAL by the Zoning Board of Baltimore County and by Covenants in Land Records of Baltimore County that were recorded on October 4, 1957. (Liber 3243, Folio 082-087)

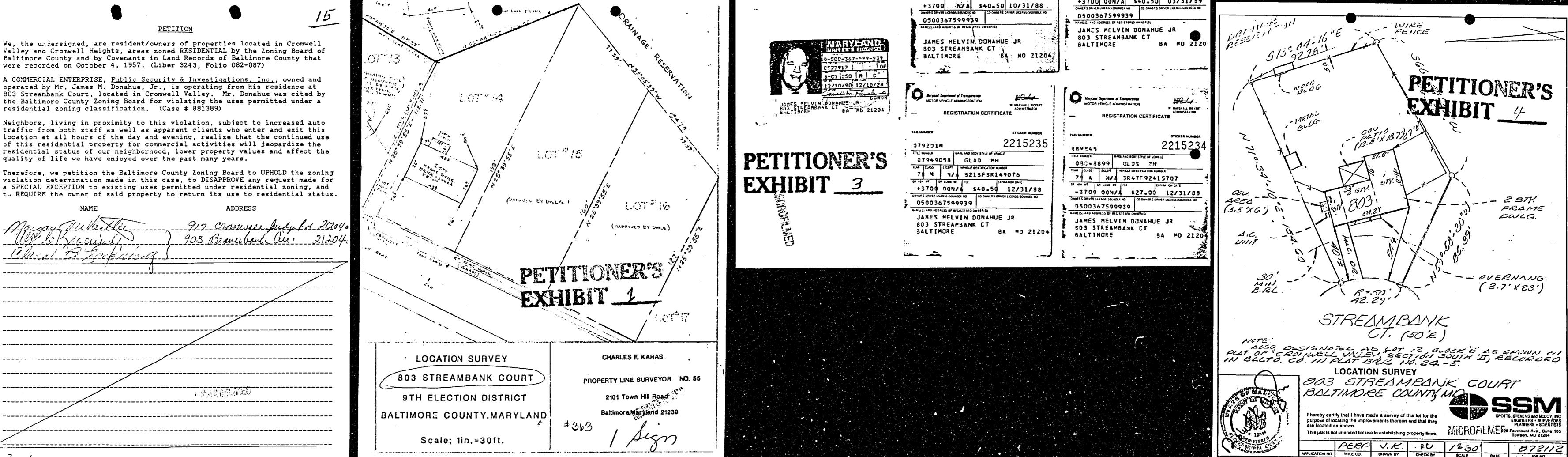
A COMMERCIAL ENTERPRISE, <u>Public Security & Investigations</u>, Inc., owned and operated by Mr. James M. Donahue, Jr., is operating from his residence at 803 Streambank Court, located in Cromwell Valley. Mr. Donahue was cited by the Baltimore County Zoning Board for violating the uses permitted under a residential zoning classification. (Case # 881389)

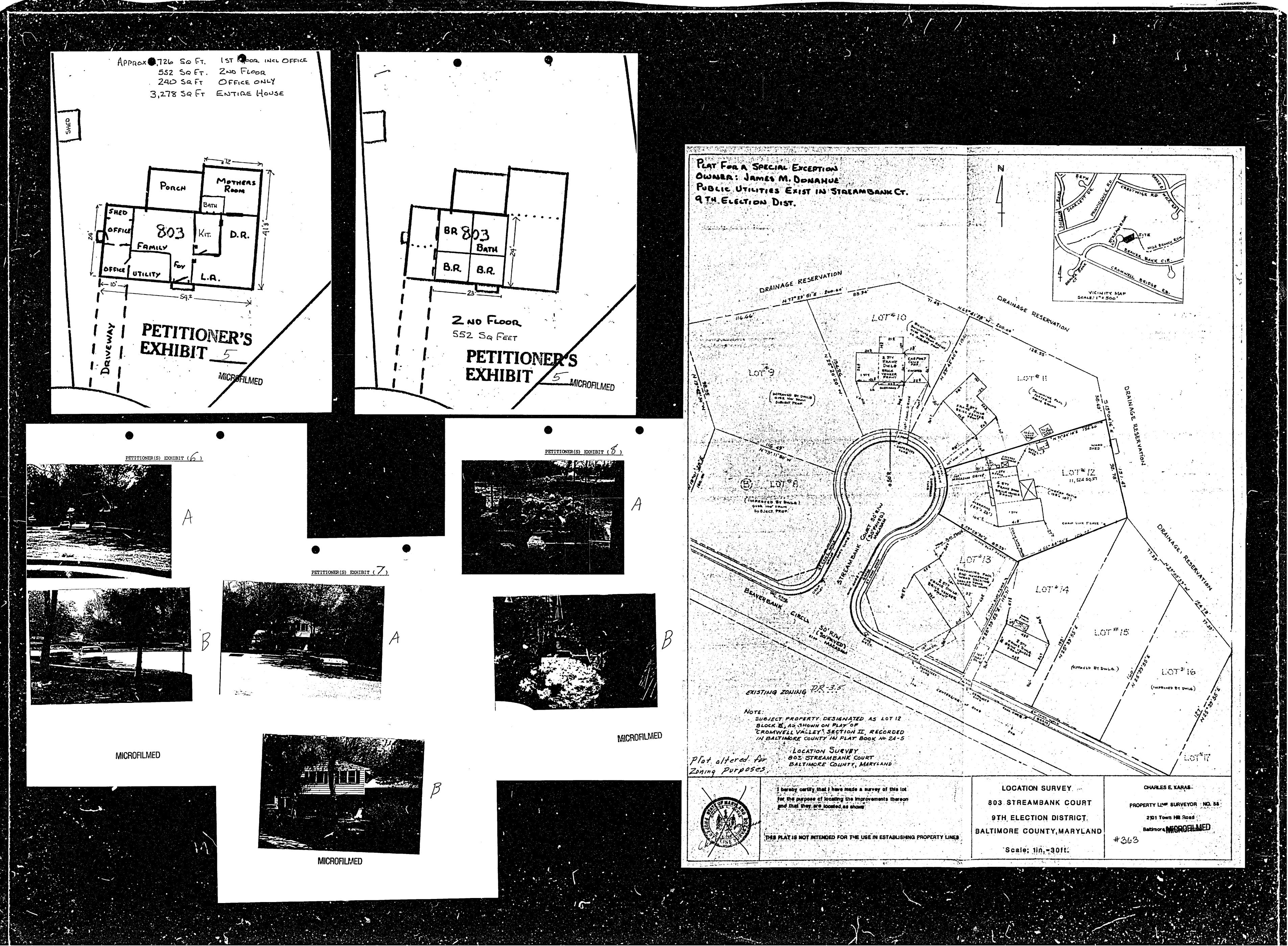
Neighbors, living in proximity to this violation, subject to increased auto traffic from both staff as well as apparent clients who enter and exit this location at all hours of the day and evening, realize that the continued use of this residential property for commercial activities will jeopardize the residential status of our neighborhood, lower property values and affect the quality of life we have enjoyed over the past many years.

Therefore, we petition the Baltimore County Zoning Board to UPHOLD the zoning violation determination made in this case, to DISAPPROVE any request made for a SPECIAL EXCEPTION to existing uses permitted under residential zoning, and to REQUIRE the owner of said property to return its use to residential status,

NAME	ADDRESS
General Senine	806 Eldenbank of
Magran Grenker	2948 Beavertanh Circ
Jones T. Springs	948 Beaverleau & Cer
jatam Hopingin	
Charlotte Edmundo	806 Elderbank Ct
Ellin Joan Dellin	805 Elderbank Cot
ann S. Eagan (seletarer)	805 Elderbank Ct.
ann S. cagan (seletarer)	802 Elderlank Ct.
Magaret a. Stidlan ;	503 Uderbank Ct.
late State	803 Elderland Ct









County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 887-3180

June 23, 1989

Konstantine J. Prevas, Esquire 5 Light Street, Suite 950 Baltimore, Maryland 21202

Re: Case No. 88-524-X
James M. Donahue, Jr.

Dear Mr. Prevas:
In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, the cost incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

LindaLee M. Kuszmaul
Legal Secretary

cc: James M. Donahue, Jr.

Donahue, Jr., a licensed private detective, is a "other professional person" within the meaning of the Baltimore County Zoning Regulations, by virtue of the prior holdings of the Board pertaining to James Melvin Donahue, Jr. and by virtue of the reliance of the Appellant on the said prior decisions of the Board of Appeals of Baltimore County in those cases holding him to be a member of the professions. And further that the record in this case establishes that the County Board of Appeals of Baltimore County is equitably estopped from denying the Special Exception applied for by the Appellant.

WHEREFORE, Appellant prays that this Honorable Court

A. Rule that a licensed private detective is a professional person within the meaning of the Baltimore County Zoning Regulations, and reverse the decision of the County Board of Appeals of Baltimore County in Case No. 88-524-X, and order the grant of the Special Exception applied for by the Appellant.

B. In the alternative, should this Court determine that a licensed private detective is not a member of the professions, as provided for in the Baltimore County Zoning Regulations, that the Court should reverse the decision of the County Board of Appeals of Baltimore County in this matter in that the County Board of Appeals of Baltimore County should be held to be estopped from declaring that the Appellant is not a professional person within the meaning of the Baltimore County Zoning Regulations, by virtue of prior decisions of the County Board of Appeals of Baltimore County directly affecting this Appellant, on the issue of whether this Appellant, a licensed private detective, is a professional person under the Baltimore County Zoning Regulations.

JAMES MELYIN DONAHUE, JR.

Appellant

* IN THE CIRCUIT COURT

* FOR

* BALTIMORE COUNTY

COUNTY EXECUTIVE AND COUNTY COUNCIL *

OF BALTIMORE COUNTY

and

Case 89 C6 2204

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

ALTIMORE COUNTY
Appellees

ORDER FOR APPEAL BY JAMES MELVIN DONAHUE, JR.

* * * * * * * * * * * * * * * * *

MR. CLERK:

Please enter an appeal on behalf of James Melvin Donahue, Jr., Appellant, from the Order of the County Board of Appeals of Baltimore County passed in the above case on May 30, 1989 (County Board of Appeals Case No. 88-524-X).

UNTY BOARD OF AFFEALS 89 JUN 22 PM 3: 44

Konstantine J. Prevas
5 Light Street, Suite 950
Baltimore, Maryland 21202
301-752-2340
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2/2 day of June, 1989, a copy of the aforegoing Order for Appeal was mailed, postage prepaid, to William P. Hackett, Chairman, County Board of Appeals of Baltimore County, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204 and to Peoples Counsel for Baltimore County, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204 and to Arnold Jablon, County Attorney, Office of Law, 400 Washington Avenue, Towson, Maryland 21204.

Konstantine J. Prevas

C. Grant such other and further relief as the nature and cause may require.

Konstantine J. Prevas
5 Light Street, Suite 950
Baltimore, Maryland 21202
301-752-2340
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2/24 day of June, 1989, a copy of the aforegoing Petition in Suppor of Order for Appeal was mailed, postage prepaid, to William P. Hackett, Chairman, County Board of Appeals of Baltimore County, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204 and to Peoples Counsel for Baltimore County, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204 and to Arnold Jablon, County Attorney, Office of Law, 400 Washington Avenue, Towson, Maryland 21204.

Kontantine O. Reason

JAMES MELVIN DONAHUE, JR.

Appellant

FOR

VS

BALTIMORE COUNTY

COUNTY EXECUTIVE AND COUNTY COUNCIL
OF BALTIMORE COUNTY

and

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Appellees

*

IN THE CIRCUIT COUNTY

BALTIMORE COUNTY

*

COUNTY BALTIMORE COUNTY

*

Appellees

*

PETITION IN SUPPORT OF ORDER FOR APPEAL
TO THE HONORABLE, THE JUDGE OF SAID COURT:

Now comes the Appellant, James Melvin Donahue, Jr., by his attorney, Konstantine J. Prevas, and says:

* * * * * * * * * * * * * * * * *

1. That this Petition in Support of Order for Appeal is filed pursuant to Maryland Rule B(2)(e) with the Order of Appeal being filed by the Appellant with this Court, which Order of Appeal seeks review of the decision of the County Board of Appeals of Baltimore County rendered on May 30, 1989 in Appeal

No. 88-524-X.

2. Appellant contends that the Board has abused its discretion, acted arbitrarily, capriciously and illegally in depravation of Appellant's constitutionally protected property rights, and that it has improperly denied Appellant's Application for a Special Exception in the use of the property known as 803 Streambank Court, Ninth Election District, Fourth Councilmanic District,

3. Said property is zoned D.R.3.5. and Appellant has sought a Special Exception to use the property as a professional office pursuant to Section 1801.1.C.98 of the Baltimore County Zoning Regulations (B.C.Z.R.).

4. Appellant maintains that he has met his burden of establishing and proving all requirements under the Baltimore County Zoning Regulations for the grant of a Special Exception for the use of the subject property as a professional office, and that the Board has acted arbitrarily, capriciously and illegally in denying said Special Exception.

5. Appellant maintains that having met all the criteria which control and govern the grant of a Special Exception under the Baltimore County Zoning Regulations in Section 502.1, that the Board has acted arbitrarily, capriciously and illegally in holding that the Appellant is not one of the "other professional persons", as provided in Section 1801.1.C.9B of the Baltimore County Zoning Regulations; to wit, that a licensed private detective is not a professional personal.

6. The Board also acted in an arbitrary, capricious and illegal manner in failing to give proper weight and consideration to the fact that this very same Appellant was the subject of an appeal before the Board while living at another address, and in which case the Board held that this Appellant, James Melvin Donahue, Jr., was in fact, by virtue of his occupation as a licensed private detective, a professional person within the meaning of the Baltimore County Zoning Regulations. And further, that the Board failed to give effect to and to recognize a decision rendered by the Zoning Commissioner for Baltimore County, Case No, 85-78-X, in October, 1984, wherein then Zoning Commissioner Jablon agreed with the Board's prior ruling in which the Board had found Mr. Donahue to be a professional within the Baltimore County Zoning Regulations.

7. Appellant further avers that County Board of Appeals for Baltimore County is estopped from making any decision other than to find that James Melvin

-2-

IN THE MATTER CF
THE APPLICATION OF
JAMES MELVIN DONAHUE, JR.
FOR A SPECIAL EXCEPTION ON PROPERTY
LOCATED ON THE EAST SIDE OF
STREAMBANK COURT (CUL DE SAC),
136'+ NORTHEAST BEAVERBANK CIRCLE
(803 STREAMBANK COURT)
9th Election District
4th Councilmanic District

Towson, Maryland 21204.

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY
CASE NO. 88-524-X

OPINION

This matter comes before the Board as an appeal from the decision of Zoning Commissioner Haines dated October 4, 1988, which denied the property owner's Petition for Special Exception. Specifically, the Petitioner herein, James M. Donahue, Jr., requests authority to use the subject property as a professional office in a D.R. 3.5 zone pursuant to Section 1801.1.C.98 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The Petitioner appeared and was represented by Counsel,
Konstantine J. Prevas. In opposition to the Petition, numerous neighbors of the
subject property appeared and testified. Additionally, People's Counsel
participated in opposition to the Petition.

On his own behalf, James M. Donahue testified. He stated that he has been a licensed private investigator since 1960. His license was secured from the Maryland State Police, and he currently is the owner of Public Security and Investigations, Inc., which is operated from his home at 803 Streambank Court.

By way of background, Mr. Donahue testified that he has lived at the Streambank Court address for approximately one year. Prior to moving to that locaton, he lived at 1022 Overbrook Road. At that address, he also operated his private detective agency out of his home and was the subject of a prior hearing before the County Board of Appeals in 1983. At that time, the Board was called upon to render an opinion as to whether Mr. Donahue's use of the premises was a

Case No. 88-524-X James Melvin Donahue, Jr.

nonconforming use as defined by the B.C.Z.R. The Board found that the use was in fact nonconforming. Additionally, the Board addressed the nature of Mr. Donahue's employment and stated "...the Board, therefore, determines that a professional private investigator is a professional person within the meaning of the zoning regulations."

At the hearing on the case at bar, Mr. Donahue testified that, based upon that hearing, and due to his mother's deteriorating health, he decided to relocate his residence/business in 1988. Confident that he was a professional and would be able to maintain his business at his home, he moved to his present address.

Mr. Donahue also testified extensively as to the qualifications necessary to become the proprietor of a private detective agency, his employment, experience and education. Mr. Donahue also described the many trade organizations, several of which he is a member, which regulate the private investigation industry.

In opposition to the Petition, several of the many neighboring protestants in attendance testified. They include Michael Ruck, who lives directly across the Court; Lillian Chapman, also a Streambank Court resident; and Virginia Santesse, who lives immediately next door. All of the Court residents testified that their neighborhood was a quiet, residential area. They each testified that some additional parking and traffic was a nerated since Mr. Donahue's occupancy of the property, but they were unable to attribute these increases to the private detective agency in and of itself.

Also testifying in opposition to the Fetition was Susan Martin, a community resident who lives some distance away but within the Cromwell Bridge community. Her testimony seemed to sum up the chief concern of the residents of

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-4-

Case No. 88-524-X James Melvin Donahue, Jr.

this locale, who fear a domino effect and additional commercial intrusion into their residential community if the Petition was granted.

In considering the subject Fetition, the Board is obligated to consider each of the factors enunciated in Section 502.1 of the B.C.Z.R. As with all special exceptions, the property owner must convince the Board that the proposed use complies with the criteria established in 502.1. In this instance, the Board is persuaded that the special exception in fact complies. There was no indication that any of the factors set forth in 502.1 would prevent this special exception, with the possible exception of traffic considerations. However, the property owner's meticulous record keeping documenting his business traffic was persuasive, in addition to the protestants' inability to specifically attribute the perceived increase in traffic to the detective agency.

Although the Board is persuaded that the requirements of 502.1 have been met, a threshhold issue must be considered. Specifically, Section 1B01.1.C.9B provides that only professional offices may be maintained in residential zones, by special exception. This section designates certain professions, including physicians, dentists, lawyers, etc., and allows "other professional persons" to be eligible for special exception. Simply stated, the issue is whether a private detective is a professional person.

In support of the proposition that a private detective is a professional, the Petitioner offered the heretofore cited ruling by the Board. Additionally, Case No. 85-78-X, by the Zoning Commissioner in October of 1984, was cited as authority in support of the Petitioner's argument. In that case, then Zoning Commissioner Jablon agreed with the Board's prior ruling in the earlier Donahue case and noted that the Board had found Mr. Donahue to be a professional within the B.C.Z.R. The Petitioner also offered evidence of Mr. Donahue's

Case No. 88-524-X James Melvin Donahue, Jr.

affiliation with professional organizations, his training by the State Police, and his licensing as among the other reasons why a private detective must be considered a professional within the purview of the B.C.Z.R.

In reply to these arguments, the People's Counsel argued that a private detective is not among the classic professions envisioned when this section of the B.C.Z.R. was adopted. She contrasted the differences between physicians and attorneys and private investigators, including the differences in educational requirements and binding ethical codes. Additionally, as we think was correctly noted, the People's Counsel argued that prior decisions of this Board and the Zoning Commissioner are not "stare decisis." Neither side was able to provide the Board with a judicial determination of whether a private investigator was a professional within the zoning context, and this Board believes that each case must be considered anew, without adherence to prior administrative decisions by this Board or other administrative bodies.

Based upon the totality of the considerations before us, we are persuaded that Mr. Donahue's business is not that of a professional occupation as required by the B.C.Z.R. There is no doubt that his occupation requires licensing and a certain amount of specialized training. However, these requirements are far short of the stringent standards demanded of other recognized professionals. For that reason, the Board is persuaded that, notwithstanding his ability to meet the criteria set forth in 502.1, a special exception may not be granted in that Mr. Donahue does not qualify under Section 1801.1.C.9B.

Notwithstanding our decision, a final consideration remains. Mr. Donahue's testimony was uncontradicted that he relied upon the prior decision of this Board in relocating his business/residence to Cromwell Bridge Village in 1988. As was suggested by the litigants but not specifically argued, the issue

Case No. 88-524-X James Melvin Donahue, Jr.

of equitable estoppel therefore may be appropriate. Specifically, this Board is concerned with the apparent greenlight given to Mr. Donahue by the Board in 1983, notwithstanding that the issue at that time was not as to a special exception nor concerning the subject property. The clear statement within the Board's opinion as to the Petitioner's professionalism cannot be misinterpreted or ignored. Nonetheless, due to the absence of any significant argument before us, we will not address that issue here, preferring instead that it be determined judicially.

ORDER

For the reasons as set forth in the aforegoing Opinion, it is this 30th day of May , 1989 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Exception be and is hereby DENIED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

anna CANA

County Board of Appeals of Baltimore County COUNTY OFFICE BUILDING, ROOM 315 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

(301) 887-3180

May 30, 1989

Konstantine J. Prevas, Esquire PREVAS & PREVAS Suite 950, 5 Light Street Baltimore, MD 21202-1280

> RE: Case No. 88-524-X James M. Donahue, Jr.

Dear Mr. Prevas:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals in the subject matter.

Sincerely,

Karleien L. Bedenhammer Kathleen C. Weidenhammer Administrative Secretary

cc: Mr. & Mr. James M. Donahue, Jr. Ms. Ruby Telesca Ms. M. Lacy Gentry Ms. Dolores Ford Mr. & Mrs. Douglas Forrest Ms. Carol Broman Mr. Gordon L. Kennan Ms. Cristina Beltran Mr. & Mrs. Michael J. Ruck People's Counsel for Baltimore County P. David Fields Pat Keller J. Robert Haines Ann M. Nastarowicz ames E. Dyer لر JDocket Clerk -Zoning Arnold Jablon, County Attorney

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IN THE MATTER OF * BEFORE THE JAMES M. DONAHUE, JR.

* COUNTY BOARD OF APPEALS * Case No. 88-524-X

803 Streambank Court Towson, Maryland 21204

* * * * * * * * *

NOTICE STRIKING APPEARANCE

MADAM CLERK:

Please strike the appearance of S. Eric DiNenna, P.A., DiNenna, Mann & Breschi, concerning the above-captioned matter.

> DINENNA, MANN & BRESCHI P.O. Box 10508 Towson, Maryland 21285-0508 (301) 296-6820

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this _____ day of May. 1989. a copy of the aforegoing Notice Striking Appearance was mailed. postage prepaid, to Konstantine J. Prevas, Esquire, 5 Light Street, Suite 950, Baltimore, Maryland 21202; Mr. and Mrs. Michael J. Ruck, c/o 5303 Harford Road, Baltimore, Maryland 21214; Mr. and Mrs. G. W. Chapman, 800 Streambank Court, Baltimore, Maryland 21204; and Mr. Thomas Azzaro, 812 Beaver Bank Circle, Towson, Maryland 21204.

DINENNA, MANN & BRESCHI

5. ERIC DINENNA, P.A. JAMES L. MANN, JR., P.A. GEORGE A. BRESCHI, P.A. GERALDINE A. KLAUBER

FRANCIS X. BORGERDING

SUITE 600 MERCANTILE-TOWSON BUILDING 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204

(301) 296-6820 TELEFAX (301) 296-6884

May 2, 1989

County Board of Appeals County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

> RE: Case No.: 88-524-X James M. Donahue, Jr., Petitioner

Dear Madam Clerk:

Enclosed herewith for filing please find Notice Striking Appearance. Thank you for your cooperation.

Enclosure cc: Mr. Thomas Azzaro Mr. and Mrs. G. W. Chapman Mr. and Mrs. Michael J. Ruck Konstantine J. Prevas, Esquire

Please Note New Mailing Address:

DiNenna, Mann & Breschi Towson, Maryland 21285-0508 IN RE: PETITION FOR SPECIAL EXCEPTION ES Streambank Court (cul *

Petitioner

ZONING COMMISSIONER de sac) 136'+ NE Beaverbank Circle (803 Streambank Ct.) * OF BALTIMORE COUNTY 9th Election District 4th Councilmanic District * CASE #88-524X James Melvin Donohue, Jr. *

> ******* FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner herein requests a Special Exception to use the subject property as a professional office in a D.R.3.5 zone under Section 1B01.1.C.9B of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioner's Exhibit 1.

The Petitioner, James Melvin Donohue, appeared and testified and was represented by Konstantine J., Prevas, Esquire. Also appearing on behalf of the Petitioner was Mrs. Telesca, Mrs. Cessages, Mrs. Gentry, Mrs. Ford and Mr. Forrest. Many residents of the area appeared as Protestants, including Mr. Michael Ruck, who testified, on their behalf, and was represented by S. Eric DiNenna, Esquire.

The evidence and testimony tend to indicate that Mr. Donahue is a self employed private investigator who employs one additional investigator and a full time secretary. All of these individuals work out of the subject home property. Mr. Donahue is licensed by the State of Maryland as a Private Detective for his home address of 803 Streambank Court, Towson, Maryland 21204.

The subject property is located on a <u>cul de sac</u> in a residential community known as Cromwell Heights and Cromwell Valley, Section Two. The subject property is zoned D.R. 3.5 and is improved with a single

MICROFILMED

family dwelling unit on a lot consisting of approximately 11,500 sq. ft. The original carport located to the north side of the property has been enclosed and is currently used as the office for the Petitioner's business enterprise. The Petitioner purchased the property in October 1987 with the intention of moving his business to this location.

Mr. Donahue testified extensively that he was aware of the requirement to obtain a special exception to operate a business from a residential home, however, he did not undertake to obtain such a special exception until after the zoning violation case was prosecuted against him. He testified that it was his belief that since he had a professional office in another residence in Baltimore County he had the right to have a professional office in any residence in Baltimore County in the future. Obviously, the Zoning Commissioner explained that a special exception is tied to the land and if Mr. Donahue is to move his pre-existing business whether it had the benefit of a special exception, or not, would still require a new special exception at the new location.

The specific special exception required is pursuant to 1801.1.C.9B of the Baltimore County Zoning Regulations which specifically requires a special exception for "an office or studio of a physician, dentist, lawyer, architect, engineer, artists, musician, or other professional persons, ... in the D.R. zone. The subject site is, clearly, D.R. zoned property and the Petitioner is, clearly, required to obtain a special exception in order to conduct any business from that home.

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Issues have been raised by the Protestants as to whether or not Mr. Donahue's business of a private detective is another professional person as that term is used in Section 1B01.1.C.9B of the B.C.Z.R.

The Protestants argue that mere licensing by the State of Maryland does not in and of itself establish someone as a professional within the terms and conditions of the special exception definition.

The Petitioner claims he has been granted an earlier special exception in Baltimore County as a private detective. He claims the order was granted for a professional person employed at home. He sites Baltimore County Board of Appeals matter 82-179-V, which is an appeal of a zoning violation case before the Zoning Commissioner, in case #C-82-229. The Petitioner claims that the Board of Appeals has ruled for all time that a private detective is a professional person within the meaning of the B.C.Z.R. and that this supposed conclusion is res adjudicata.

The opinion in 82-179-V establishes no such holding. The Petitioner disregards the Order of the Board of Appeals which says, "James M. Donahue maintains a present nonconforming use status at the subject property and, therefore, is not in violation . . . ". There are no words in the Order about private detectives being professional persons. This case turned only on a status of nonconforming use. The case, clearly, applied only to the facts and events concerning the subject property (1022 Overbrook Road) not the property at issue in the

Even if the Board of Appeals case stood for the proposition the Petitioner claims it still would not control this case. Case 82-179-V is a violation case and is not on point.

MICROFILMED

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I agree with the Protestants that a Private Detective is not a promessional person as envisioned by Section 1801.1.C.9B. That definition specifically list the classic professions such as physicians, lawyers, artists and musicians. It also includes the commonly accepted professions of dentistry, architects and engineers. All of these professions, clearly, fit within the definition of the concept of a professional person as delineated in Websters Third International Dictionary for persons engaged in one of the learned professions or in an occupation requiring high level of training and proficiency. Furthermore, these professions are characterized by their conformity to technical and ethical standards of a recognized profession and they, clearly, manifest the fine artistry and workmanship and the required sound knowledge and skill resulting from years of education, training and experience in their field. Also, all of the professions listed in Section 1801.1.C.9B are professions that belong to the "learned professions and/or classical professions".

Clearly, the spirit and intent of Section 1801.1.C.9B does not include private detectives. The professions listed in 9B are all different from the undertaking and enterprise of a private detective.

Therefore, I find that the Petitioner's request for a special exception cannot be granted. By definition a private detective is not included within the terms of Section 1B01.1.C.9B of the B.C.Z.R. and, therefore, the granting of an special exception for a use not listed within the definitional section of the regulation would be beyond the scope and power of the Zoning Commissioner.

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Pursuant to the advertisement, posting of the property, and public hearing held, and for the reasons given above, it appears that the relief requested in the special exception should be denied.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, Maryland, this _______ day of _______, 1988 that the Petition for Special Exception to use the subject property as a professional office in a D.R.3.5 zone under Section 1801.1.C.9B of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioner's Exhibit 1, be and the same is hereby DENIED.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

JRH:mmn
cc: Peoples Counsel
 Konstantine J. Prevas, Esquire
 Mrs. R. Telesca
 Mrs. Cessages
 Mrs. Gentry
 Mrs. Ford
 Mr. Forrest
 S. Eric DiNenna, Esquire

Mr. Michael J. Ruck

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen

Company of the Compan

Konstantine J. Prevas, Esquire Suite 950, Ninth Floor 5 Light Street Baltimore, Maryland 21202-1280

> RE: Petition for Special Exception Case No. 88-524X

Dear Mr. Prevas:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Exception is denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, pleae feel free to contact our Appeals Clerk at 494-3391.

J. Robert Haines
Zoning Commissioner

JRH:mmn

cc: James Melvin Donahue, Jr. S. Eric DiNenna, Esquire Michael J. Ruck

Mosco

JAMES M. DONAHUE, JR. * ZONING COMMISSIONER OF 803 Streambank Court * BALTIMORE COUNTY

IN THE MATTER OF

PETITIONER'S ANSWER TO PROTESTANTS MOTION TO DISMISS APPLICATION FOR SPECIAL EXCEPTION

BEFORE THE

James M. Donahue, Jr., Petitioner, by Konstantine J. Prevas, his attorney, in Answer to, and in opposition to, the Motion of Protestants to Dismiss Petitioner's Application for Special Exception says:

- 1. Protestants timely filed a Motion to Dismiss Petitioner's

 Application for Special Exception and gave as reason therefor the fact that the

 Petitioner had failed to request a special hearing under Section 500.7 of the

 Zoning Regulations of Baltimore County. Said hearing to be held for the purposes of determining whether a private detective is a member of the professions,

 as provided in Section 1801.1, C, 9 B.
- 2. Protestants further aver, in support of their Motion to Dismiss
 Petitioner's Application for Special Exception that Petitioner failed to prove
 at nearing that a private detective was a member of the professions.
- 3. Petitioner's testimony, during the course of the hearing, was that he had previously been granted a special exception to conduct a private detective business out of a residential area, in Baltimore County. Petitioner relied on that fact as proof that a private detective is a member of the professions.
- 4. Petitioner's testimony was incorrect only to the extent that the County Board of Appeals of Baltimore County had ruled that a professional private investigator is a professional person within the meaning of the Zoning

Regulations in a zoning relation case, rather than in a case arising from a Petition for Special Exception.

- 5. A copy of the Opinion of the County Board of Appeals of Baltimore County, No. 82-179-B (C-82-229) dated December 8, 1983 is attached hereto and made a part hereof. Also attached is the Order of the Zoning Commissioner of Baltimore County dated June 2, 1983, in case 82-179-B, C-82-229, which Order is also attached hereto and prayed to be made a part hereof.
 - 6. The County Board of Appeals of Baltimore County found:

 "The Board, therefore, determines that a professional private investigator is a professional person within the meaning of the Zoning Regulations."
- 7. This being the case it is submitted that there is nothing in paragraph 500.7 of the Zoning Regulations that mandates that the Petitioner request a hearing for a determination that has already been made by an administrative body which has superior and appellate jurisdiction over the administrative body before which Petitioner is presenting his position.
- 8. Simply stated, the finding of the County Board of Appeals of Baltimore County which pertains to the same Petitioner in the instant proceedings, is a finding (that a professional private investigator is a professional person within the meaning of the Zoning Regulations) which has already been litigated and determined by a competent Baltimore County authority.
- 9. To suggest that this finding arises in a zoning violation context rather than in an Application for Special Exception context, as protestants do, and is therefore not a valid finding in the instant proceedings, is to suggest that the Commissioner adopt a rationale which is neither logical nor legal. Petitioner's position is illogical in that it asks the Commission to hold that a person is a professional if he is charged with a zoning violation, but to hold

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that a person is not a professional when that person seeks a special exception of the Zoning Regulations. The rationale which protestants seek to impose upon the Commissioner is illegal in that, it is respectfully submitted, that a finding and holding by the County Board of Appeals of Baltimore County on any particular issue, question of fact or question of law, is binding upon the administrative agency which issued the Order from which an appeal was taken to the County Board of Appeals of Baltimore County.

CONCLUSION

The Zoning Commissioner should determine that a professional private investigator is a professional person within the meaning of the Zoning Regulations, and decide the Special Exception Application on its merits. In the alternative, and without prejudice to Petitioner's position that there is a valid, binding adjudication in Baltimore County that a private investigator is a member of the professions, hold the instant matter <u>sub curia</u>, and afford the Petitioner an opportunity to request a special hearing under Section 500.7 of the Baltimore County Zoning Regulations on the issue as to whether a private investigator is a member of the professions.

Respectfully submitted,

Konstantine J. Prevas

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 1988, I mailed a copy of the aforegoing Answer to Motion to S. Eric Dinenna, Esquire, Suite 600, 409 Washington Avenue, Towson, Maryland 21204, Attorney for Protestants.

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